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IOWA BIOGRAPHICAL SERIES
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JAMES HARLAN



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JAMES HARLAN

BY

JOHNSON BRIGHAM

THE STATE HISTORICAL SOCIETY OF IOWA

IOWA CITY IOWA 1913

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EDITOR'S INTRODUCTION

THE career of James Harlan as depicted by Mr. Brigham in the following pages is typically western. It spans the first half century of the history of Iowa as a State, and offers a cross-sectional view of the momentous years of slavery agitation, war, and reconstruction. In the United States Senate from 1855 to 1865 and from 1867 to 1873 Mr. Harlan was a prominent and influential figure. Especially was he active and successful in his advocacy of every measure which sought to benefit the people of the West.

This biography, begun by Mr. Brigham in 1906, was originally designed and outlined as a two-volume work. In order, however, to bring it within the compass of the IOWA BIOGRAPHICAL SERIES it became necessary to condense it into a single volume — a long and laborious task, the carrying out of which has necessarily greatly delayed the publication of the book.

BENJ. F. SHAMBAUGH

OFFICE OF THE SUPERINTENDENT AND EDITOR
THE STATE HISTORICAL SOCIETY OF IOWA
IOWA CITY

AUTHOR'S PREFACE

A STUDY of the life of James Harlan reveals a man of rugged sincerity, a statesman of rare forensic and constructive ability and large capacity for leadership. The story of his youth and young manhood is one of privation and of resolute struggle for the attainment of an education. His career as a statesman is interwoven with the anti-slavery agitation and legislation immediately preceding the first election of Abraham Lincoln, with the history of the War of the Rebellion, and with the confused and trying period of Reconstruction. The years of his retirement—years full of usefulness in public and semi-public service and correspondingly full of honors—present a pleasing contrast to the concluding years in the lives of not a few of his contemporaries.

In the writing of this biography the author's purpose has been to follow, as far as practicable, the *Autobiographical Manuscript and Papers* which James Harlan himself prepared and arranged. Mr. Harlan began the prep-

aration of this valuable work early in the nineties, his original purpose evidently having been to write an autobiography. But later that purpose gave way to another, which was to gather in chronological order all the letters and papers which he had retained and to make such running comment on them as was deemed necessary, with a view to leaving the entire collection, along with the autobiographical chapters, as so much material for a biography which he must have known would at some time be attempted. The unfinished autobiography, the letters and papers, the original manuscripts of addresses and speeches, together with the published record of his Congressional career, constitute a wealth of source material which has been found extremely satisfying and at the same time embarrassing because of its abundance.

Concerning his career as Secretary of the Interior in the Cabinet of President Johnson there is little data beyond Mr. Harlan's one official report and his later letters and speeches defending his official course from misrepresentation and false charges. But the high purpose which prompted him to respond to President Lincoln's call and to remain in the

Cabinet for a time under President Johnson is fully developed in his correspondence.

Although the *Autobiographical Manuscript* would doubtless have been revised by Mr. Harlan had he lived to complete his task, it has not been deemed wise to attempt alterations in the text of the numerous passages quoted in the following pages. Statements of fact have been verified by comparison with newspapers and other contemporary sources. In dealing with Mr. Harlan's career in Congress the author has depended chiefly on the published record as found in the *Congressional Globe*. Newspapers were also freely consulted to learn the attitude of the public, both in Iowa and in the Nation at large, toward Mr. Harlan during his public career.

The author of this biography was not favored with an intimate personal acquaintance with James Harlan. In his youth, however, it was his privilege to hear the Senator's White House speech on Reconstruction, immediately following the last public utterance of President Lincoln. Ever since that memorable occasion the name of James Harlan has been indelibly associated in the author's mind with that of Abraham Lincoln — an association which has

imparted an added zest to the later study of the Iowa statesman's career. Years afterward (early in the nineties) it was the author's pleasure to know Mr. Harlan personally, and to hold a somewhat extended correspondence with him. In response to his request Mr. Harlan prepared a paper for the *Midland Monthly* on *The Iowa Soldiers' and Sailors' Monument* and partially promised to write for the same publication his recollections of Abraham Lincoln. Thus the author's early impressions were strengthened and deepened by later association.

Fortunately for his biographer and for future students of history, James Harlan left the *Autobiographical Manuscript and Papers*, to which reference has been made, in the care and custody of his daughter, Mrs. Robert T. Lincoln of Chicago, who, through the kind offices of Judge W. I. Babb of Aurora, Illinois, and of his son, Mr. Max W. Babb of Milwaukee, kindly placed these valuable papers at the author's disposal in the writing of this book. Thanks are due, therefore, first of all, to Mrs. Robert T. Lincoln, Judge W. I. Babb, and Mr. Max W. Babb.

To Professor Benj. F. Shambaugh, editor of

the IOWA BIOGRAPHICAL SERIES and Superintendent of The State Historical Society of Iowa, the author is under many obligations for helpful encouragement and counsel.

Among the many others who have rendered valuable assistance mention should first be made of the laborious and keenly critical preparation of the manuscript for the printer and of the careful preparation and verification of the notes and references by Dr. Dan E. Clark, Assistant Editor in The State Historical Society of Iowa.

The author is under obligations also to Mrs. Alice L. Taylor, Mr. W. F. Kopp, and Mr. Geo. B. McKibbin, and to the editors and publishers of Mt. Pleasant newspapers for kindnesses extended during his visit to Mr. Harlan's old home, and to Mr. Edgar R. Harlan and his associates in the Historical Department of Iowa for access to the wealth of material in the newspaper files in that department. Mention should also be made of the generous aid and counsel of Hon. Charles Aldrich, Dr. William Salter, Mr. C. M. Snyder, and Miss Mary R. Whitcomb—all of whom have departed this life since the writing of this biography was begun in 1906. The appreciative response to

letters of inquiry received by the author from Hon. Jacob Rich of Dubuque, Hon. George D. Perkins of Sioux City, J. L. Waite, Esq. of Burlington, and the late Dr. Andrew S. Draper of New York, should not be overlooked in the author's acknowledgment of indebtedness. The exhaustive index was compiled by Mr. Jacob Van der Zee, Research Associate in The State Historical Society of Iowa.

JOHNSON BRIGHAM

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I

PIONEER LIFE IN THE WOODS OF INDIANA

THERE were two elements in the vanguard of the westward march of the American people. First came the real frontiersman—hunter, trapper, and Indian fighter. He blazed trails through the forest, made small clearings, and soon passed on to the westward ahead of advancing civilization. Close in his rear, however, pressed the pioneer farmer, drawn from the settled communities in the East by the cheap and fertile lands of the West.

It is in this second class of pioneers that the ancestors of James Harlan belong. Meager records of the family show that the Harlans came from England and Scotland at an early date and settled in South Carolina. Later they removed to Pennsylvania, where Silas Harlan was born on March 26, 1792. Responding once more to the lure of the frontier, the family emigrated to Warren County, Ohio. Here also came the Connelly family from Maryland, with their daughter Mary, who was born on March 20, 1797. In 1818 Silas Harlan and Mary

Connelly, at the ages of twenty-six and twenty-one respectively, were united in marriage, and soon afterward the young couple found their places in the westward-moving tide of home-seekers, settling on Lamotte prairie in Clark County, Illinois. It was here that James Harlan was born on the twenty-sixth day of August, 1820.¹

Life on Lamotte prairie, however, was evidently not entirely to the liking of Silas Harlan, for in the spring of 1824, when James was between three and four years of age, the family, in which there were now four children, removed to Park County, Indiana. "This removal and settlement", wrote James Harlan in his *Autobiographical Manuscript*, "commences my first distinct recollection of myself, of my parents, sisters and current events."²

The spot chosen for the new home was "midway between two streams known by the names of Big and Little Raccoon creeks, in a dense and unbroken forest."³ Six other families settled in that region at the same time, placing their cabins at short distances apart, thus forming an embryo community many miles from any other habitation of white men.

The first task of the pioneer father was to provide a temporary "camp" to shelter his wife and children until the cabin could be erected. "But a single tree had been felled"

when the family arrived on the site of their future abode. It was a large poplar or tulip tree "of marvelous length", and five or six feet in diameter; and the trunk of this tree served as the back of the "camp". Two forked sapling poles were inserted in the ground at short distances from the fallen tree, a beam placed in the forks, and smaller poles were laid from this beam to the trunk of the tree. A covering was then made of "bark peeled from trees standing near, cut several feet in length, in tiers or courses, overlapping like shingles, which formed an excellent roof impervious to the most copious showers of rain." The sides were partially enclosed with bed-clothing and this rude shelter served as "kitchen, parlor, dining-room and sleeping rooms" for the family until the cabin was in readiness for occupancy.⁴

The building of the cabin was watched with great interest by the boy James, and the event seems to have been firmly impressed on his memory. In his *Autobiographical Manuscript*, written during his twilight years, he tells how his father cut the great "house-logs" from the forest and hewed out rafters, joist and flooring "puncheons". When the materials were all in readiness the six neighbors assembled early in the morning and by night the cabin was "raised". Then for several days the father

was busied in completing the details: cutting the doorway, filling in the "chinks" between the logs, laying the floors, building a fire-place, and constructing a rude stairway to the "loft". "This house was completed, I judge, in about six or eight days from the date of our arrival, with no tools other than a common chopping ax, an auger, frow and hand-saw, and without a single nail or screw, or metallic material of any description."⁵

Into this primitive but comfortable dwelling the family moved about the middle of May, 1824. Land was cleared and crops were planted, and the summer was spent in making improvements on the little homestead. Autumn brought a bounteous harvest, sufficient to provide food for man and beast through the winter. Thus passed the first year of pioneer life in the woods of Indiana.

It is a picture of almost idyllic simplicity which James Harlan draws of the life of these seven families clustered together in the forest. "Each of these settlers was the owner of a team of horses, a few cattle, hogs, sheep and poultry. Their live stock lived with but little care from the owners on the spontaneous products of the country. The women converted the fleeces from the sheep into clothing. . . . The country was alive with game, such as deer, elk, bear, turkeys and grouse. So that these

settlers had from the first year onward an abundance of excellent food and comfortable raiment, the fruits of their own industry, frugality and skill. . . . They had no churches nor schools; few books and no newspapers, nor officers of the law. Magistrates were not needed; for there were no malefactors to punish. They were in constant daily intercourse; were unselfish and generous to each other; [and] lived more as a single family than as separate households. And [they] made a pleasantry of their isolated condition and the absence of legal official relations; naming their immediate district of country 'The New-Discovery', by which the neighborhood is still known—and giving to each other various military and civil titles, such as Squire, Judge, Captain, Major, Colonel, General and Governor.”⁶

Silas Harlan was apparently a leader among his associates in “The New Discovery”, for he was given the title of “Governor”, a sobriquet which adhered to him throughout his life. This dignified title seemed entirely appropriate to his son who describes him as “six feet two inches in height. . . . In physical strength, action and powers of endurance he had no superior and few equals. He was not highly educated,—but more so than any of his early neighbors. He was a man of clear

perceptions, quick apprehension, and sound judgment."7

Such was the setting in which James Harlan spent his early years. The blood of hardy pioneers ran strong in his veins, and in him were developed independence, self-reliance, and broad vision born of life on the frontier.

II

BOYHOOD AND YOUTH

DURING the spring and summer of 1825 James, now a "husky" lad of five years, took his first lessons in husbandry: dropping corn and pulling weeds. And as the years went by he became more and more useful to his father as an assistant "in all manner of farm labor", and "attained a degree of skill and efficiency quite equal" to that of his youthful neighbors.⁸

When, late in life, James Harlan recalled the scenes and events of his boyhood he paid grateful tribute to the "persistent patience" of his mother in her efforts to teach him to read. Progress was slow and uncertain since the library in the Harlan home at this time consisted of three volumes — the Bible, Hervey's *Evening Meditations*, and an Almanac, none of which appealed strongly to the childish interest, unless it was the last which was embellished by a number of wood cuts. But apparently the boy learned the first rudiments of the language at a very early age.⁹

Soon after the Harlan family had established

itself in "The New Discovery" other emigrants arrived, and in the course of a few years all available land in the vicinity was purchased and occupied by settlers. Then there appeared upon the scene that interesting frontier figure, the circuit-rider.

One morning in early spring while James and his father were at work in the clearing not far from the cabin they saw a stranger on horse-back ride up to their gate, dismount, and enter the house. Shortly afterward a blast from the dinner-horn summoned the father, and on his return he informed James that the man was a Methodist preacher, that he had asked permission to hold services at their house four weeks from that day, and that permission had been granted. Silas Harlan "was not at this time a member of any church; he had been brought up a Quaker; but marrying out of the Society, and refusing to express his regrets for this breach of discipline" he had been dropped from the membership roll of the Society.

The circuit-rider was one William Smith who was "organizing a four-weeks circuit, in the scattered settlements on the east side of the Wabash river And on the day appointed, true to his engagement and punctual to the hour he again rode up" to the gate of the Harlan homestead. Here the neighbors were gathered to listen to the first sermon some of

them had heard in many a year. The "preachings" thus inaugurated were continued periodically throughout several succeeding years, and the Harlan home was "a preaching place, and a home for Methodist Preachers" until James was a youth of eighteen years, when a rude church was built. The presence of these itinerant ministers was looked upon as a privilege and a pleasure rather than as a burden. They were often "men of excellent information,—some of them highly cultured, of pleasant manners, easy address, strong common sense and practical ability", and the boy James, "cuddled down in the chimney-corner", listened attentively to their conversation.¹⁰

Along with the circuit-rider and the preaching of the Gospel came the pioneer school-master, who, true to the spirit of the Ordinance of 1787, pushed out into the borderland wherever there were children to be taught. When James Harlan was seven years of age a rude log schoolhouse, with its split-bottomed seats and oiled paper windows, was erected about one mile from the Harlan home. Here and in other schools of a similar character the lad was a pupil for periods of three months at a time until his thirteenth or fourteenth year, when he was given to understand that his education was complete. An accident, however, soon disabused his mind of this idea.

One day while in Rockville, the county seat, where he had been sent to purchase certain necessities for the home, he entered a drug-store, and there "beheld with amazement" what seemed to him to be "an immense number of books . . . displayed on shelves around nearly one-half the store room". He innocently asked if they were all school books, and was informed "that a part of them were; and that the others constituted the public library of Park county." A new world was opened to the boy and he spent an hour or more in examining the wonderful volumes. Hume's *History of England*, which was especially attractive to him, was rented for a month; and he purchased and took home with him Olney's *Geography and Atlas*, an elementary work on chemistry, a work on mechanics, a small book entitled *Natural Magic*, and Walker's *Dictionary*.

That was a red-letter day in the life of James Harlan. Hume's history proved to be wonderfully interesting, although frequent reference to the dictionary was necessary during its reading. *Natural Magic* was soon laid aside; but the geography, the chemistry, and the work on mechanics were studied with absorbing interest. He was wont to snatch a few minutes' time for reading before breakfast and at dinner time, and to spend his evenings in study, "utilizing the light from an open fireplace, made satis-

factory by a supply of dry hickory bark and splinters" which he had gathered for the purpose. "I seemed to myself a new being," he writes, "and to have entered on another existence." Thereafter, as opportunity offered, he added other books to his library.¹¹

This craving for knowledge received decided encouragement when, in the youth's seventeenth year, Jeremiah Terry from Kentucky came to teach the district school, and became a boarder in the Harlan home. Terry was "a lawyer, by profession, a thorough scientific scholar, a good writer and an eloquent speaker", and in spite of the difference in their ages a warm friendship sprang up between him and James Harlan. Through him the boy acquired some knowledge of surveying and the use of logarithms, and learned to calculate eclipses and the movements of heavenly bodies. He also received instruction in forensics and composition, his first public appearance being in an essay read before "The Lyceum", a typical frontier institution of which Jeremiah Terry was the founder.

The intellectual uplift which was stimulated by the companionship of the Kentucky school teacher was followed by a religious awakening. There was at the time no revival in the neighborhood, nor was any other unusual pressure brought to bear upon his mind. He had simply reached that period in life in which come pro-

found thoughts and undefinable intimations. Years afterwards he bore frequent testimony to his early belief in God's superintending providence, a belief dating from his earliest recollection of his mother's earnest prayers and testimony. But in order to test the strength of his convictions he read a number of books, including the works of Hume, Voltaire, and Paine; with the result that he found nothing therein to shake his belief.

After passing his eighteenth birthday James Harlan entered upon his career as an educator by teaching a district school four miles from his home. This was the first test to which he had put his meager attainments, and he seems to have given a fair degree of satisfaction both to himself and to his patrons. This winter, however, was a sad one for the young man. In October, 1838, his two brothers, Aaron and Cyrus, the one nearly eight and the other three years of age, succumbed to the dreaded disease, diphtheria; and four months later a little sister, Mary, was stricken with the same malady.

In the autumn following the close of this term of school young Harlan, accompanied by a school-fellow, made a journey on horseback to Lamotte prairie in Illinois, the place of his birth. "This trivial incident is remembered vividly," he afterward wrote, "probably only because it was my very first experience of the

kind. . . . To find the right way on roads that neither of us had ever traveled, to ferry broad streams, to negotiate with total strangers for the necessary accommodations for ourselves and horses at rude roadside inns, on what seemed to us a very long journey, was an exhilarating experience".¹²

Returning from this journey Harlan again taught school during the winter, receiving twenty-five dollars a month as compensation, a salary which was considered quite munificent at that time. Expenses, however, "were correspondingly light; boarding and lodging costing . . . only seventy-five cents per week."

The picturesque and boisterous "hard-cider" campaign of 1840 brought to James Harlan his first real knowledge of politics. By instinct and education a Whig, he attended many of the rousing mass-meetings and joined vigorously with the youths of the neighborhood in singing "Tippecanoe and Tyler, too". It was a campaign of unparalleled enthusiasm. Men in all walks of life dropped their work and journeyed long distances to attend the great political gatherings of the year. In his *Autobiographical Manuscript* Harlan relates how he and a number of friends made a pilgrimage to the battle-field of Tippecanoe, "where it was estimated that more than one hundred thousand

people encamped for a week to listen to speeches" by the great orators of the Whig party. "For us country boys", he says, "this countless mass of living human beings, covering the fields, filling the adjacent woods, and thronging the roads in every direction, was a great sight, the like of which had seldom been seen by anyone anywhere in this country. Here, I saw and heard, for the first time many of the most distinguished political orators of the nation."¹³

During the autumn of this year of political excitement young Harlan became a pupil in Park County Seminary at Rockville, seven miles from his home, where he was destined to learn a lesson not found in books. "I noticed at once an unmistakeable difference between myself and a large majority of my fellow students", he declares, "in that indescribable something which distinguishes a town-bred from a country-bred boy; a sort of silent assumption on the part of the town-boys . . . of a consequential superiority over their country cousin".

The experience was new and unpleasant to the farmer lad, who had supposed that social distinctions could find no place in democratic America, but were characteristic only of the royalty-ridden lands of Europe and the East. However, he soon forgot his first chagrin in the pleasure of his school work, and in the home of a cultured family he found the companionship

which he craved. The lesson, moreover, was "not without its utility", for he "then and there learned of the existence of this fact which would have to be encountered in greater or less strength everywhere in society".¹⁴

Another three months as the teacher of a district school and work on the farm during the succeeding spring brought James Harlan nearly to his majority, the time when he would be called upon to take serious thought concerning his own future. One day in May, 1841, while they were at work in the field, Silas Harlan surprised his son by inquiring if he had decided upon any line of work for himself. He told the boy that if he had come to any decision, he need not wait until his twenty-first birthday to feel at liberty to enter upon his chosen work. But he suggested that the matter should be given thoughtful consideration.

Brought face to face with the greatest problem of his life thus far, the young man pondered the subject in his mind for several days. At the end of a week he astonished his father by announcing that he had decided "to go to college".

III

COLLEGE LIFE

It was about May 31, 1841, that James Harlan packed his few belongings and set out to seek further education at Asbury University (now De Pauw University) located at Greencastle, Indiana, some eighteen miles eastward from his home. "My first appearance in Greencastle, in search of the University was not imposing", is the autobiographical comment written in later life. "I walked across the country, along a newly made public high-way, at that time but little traveled, cut through a dense forest, for the most part uninhabited, carrying a fair sized bundle, made up of wearing apparel and several school books which I supposed I might need, adjusted to my shoulders on the end of a walking stick."¹⁵

But the venerable statesman apparently had little relish for the "stories composed in some small degree of facts buried out of sight with fiction", which had been told about his early strivings after knowledge, even though these stories were told for the purpose of stimulating

other youths to similar endeavors. Hence he took occasion to explain that his manner of traveling was adopted through choice and not through necessity. It was simply "more convenient, more economical, and less bother every way to walk" the eighteen miles, a distance by no means long for a farmer boy accustomed to following the plow all day across his father's fields.

President Matthew Simpson¹⁶ received the embarrassed young man with kind cordiality, plied him with numerous questions, and instructed him as to the formalities of registration in the university. In order that he might have the healthful exercise of a long walk, he advised him to secure room and board with a family living three miles in the country, where other students were already boarding. Acting on this advice Harlan shouldered his bundle and added three miles to the eighteen already covered by him, thus ending his first day at "Old Asbury".

Rooming in the country, however, soon proved unpleasant. While the farm-house was comfortable, the table "well supplied with good palatable and nourishing food", and the members of the family agreeable, Harlan found that all of the desirable rooms had been taken before his arrival. The room assigned to him was in the attic directly under the roof, and

was consequently hot and stuffy. The young man's dissatisfaction was doubtless increased by a desperate attack of homesickness which so "took the starch out of" him that one day he sought a secluded spot and "blubbered" like a heart-broken child. The outcome was that he decided to move into town. Finding unoccupied rooms on the third floor of the college building, he and a student friend converted them into bachelor quarters.

Harlan's first college term at Greencastle was marked by hard study and slow progress. His previous studies had not been in direct preparation for college, and he found himself in competition with young men from all parts of the State, a majority of whom had had better advantages than himself. But he applied himself diligently to work, and owing to the fact that he recited with nearly every class in the college, he soon became acquainted with each of the eighty or ninety students in attendance. He early joined one of the two literary societies, thus receiving training in public speaking which proved of great value in later life. In the close intimacy of this society there also sprang up many strong and lasting friendships.

A perusal of the journal entries and letters of James Harlan during this period explains the influence which "Old Asbury" had on the public life of Indiana. It soon became evident

to the young man that the learning of lessons would constitute only a small part of his college work. Declamations, orations, and debates came thick and fast, and those who developed ability in these directions were the college heroes.¹⁷ Having tremblingly survived the first ordeal of declaiming in his turn at the morning chapel exercises, Harlan rapidly acquired that self-poise and confidence which in after years brought him to the front as an orator and debater.

After two months in bachelor quarters, arrangements were made which were still more to Harlan's liking. Two of his sisters, Lydia and Jane, joined him in Greencastle, and became pupils in a school for young ladies. The three, therefore, "kept house" in rented rooms, depending for the most part upon furniture and provisions brought from home.

Thus the summer passed rapidly in the round of studies and "miscellaneous college and literary society work", in addition to which the young man "had commenced to write articles for newspapers; and was occasionally called out to speak at public meetings". A month's vacation in October was occupied chiefly in work on the farm and in "collecting some small debts". November found him and his sisters again at Greencastle. But about the middle of December there came news of the serious illness

of their father, and in the midst of a heavy rain-storm James set out for home, swimming his horse across swollen streams and plunging through roads almost impassable. On the morning following his arrival at home he was prostrated with a fever, induced no doubt by the exposure of his journey, and he was confined to his bed for nearly three weeks. This illness afforded him an opportunity to experience the "inhuman medical treatment" of the time. "I was visited every day by our family physician . . . and bled copiously — until I fainted from the loss of blood — four several times," he writes, "and was otherwise subjected to the drastic treatment common with alopathic physicians".¹⁸

The patient's strong constitution finally triumphed over the disease, and the treatment, and early in January, 1842, he resumed his student life. Soon afterward he achieved his first notable success as a debater. He was chosen by the Platonean Literary Society as its representative in the annual debate with the Philological, the rival society. The honor was a coveted one and was especially complimentary to Harlan, since he had been in college less than a year "and was still pursuing studies chiefly in the preparatory department".

With many misgivings he resolved to do his best to justify the choice of his friends and to

uphold the reputation of his society. The debate occurred in March, on the last day of the winter term. The subject, clumsily expressed, was: "Is a Republican Government better calculated for durability than a monarchy?" and Harlan spoke on the negative. That he was not carried away by his success is to be inferred from his modest journal entry on that date: "Performed on debate in the joint exhibition of the Platonean and Philological societies: took dinner at Mrs. Burton's: started home on foot".¹⁹

Harlan had now exhausted his slender resources, and although he had received urgent offers of assistance from two fellow-students, he returned home for the purpose of earning sufficient money to enable him to continue his studies. During the spring and early summer he was engaged in farm work, and from August to November he taught a district school. Meanwhile, he found time to meet with the "Park County Riflemen", of which volunteer military company he was First Sergeant, and to make a number of "public addresses at temperance and sabbath-school meetings". In July he acted as clerk of a township election, and cast his first vote.

The event of this period which made the most lasting impression on the mind of the future statesman, however, was a speech delivered by

Henry Clay at Indianapolis, which Harlan and a number of his friends journeyed "sixty or seventy miles, in a common farm-wagon" to hear. The speech was delivered in a large grove, and the young man secured a position where he had a full view of his hero. Here he remained throughout the two hours of the speech, "transfixed to the spot . . . earnestly looking at him and intently listening to every word he said, and involuntarily approving the justice and wisdom of all his conclusions." So vividly was every detail of this speech pictured in his memory that more than forty years later he was able to write the following description:

Mr. Clay's personal appearance and bearing were of equal interest to me with his speech. He was driven up to the steps of the stand in an open barouche drawn by four splendid horses. He wore a suit of black cloth clothes, that, on his first arrival, were white with dust. This was before the construction of rail roads had been commenced in the West. And Mr. Clay, I was informed, had been driven in this vehicle, that morning, from Richmond to Indianapolis, Ind., a distance of perhaps sixty miles; meeting with a perfect ovation, by masses of people, every mile of the way. . . .

His approach to his audience, when he commenced his speech, was as genial and cordial as the sunshine; his movements were as simple as those of an unspoiled child, and as gentle as those of a cultured woman, and his elocution was only earnest and most delightful

conversation,— and yet so clear, and harmonious, and distinct as to be easily heard, apparently, by everybody.²⁰

Early in November, 1842, James Harlan returned to Greencastle and resumed his studies, joining with a number of his fellow-students in keeping “bachelor hall”. They rented “a small hotel, which happened at the time to be unoccupied, and apportioned out the rooms to small messes of from two to four students in each mess; each student furnishing his own room; and, for a time, each mess supplying its own table”. After a time they all joined in one mess “and hired a family” to cook and serve the meals, one of the students being detailed each week to act as steward. By this arrangement the cost of living was reduced to less than one dollar a week for each member of the group.

Sunday now became the busiest day in the week for Harlan. He was an active member of a missionary society, which, dividing itself into small groups, organized and instructed Sabbath schools in rural neighborhoods around Greencastle. Early every Sunday, with two colleagues, he walked three miles to a country schoolhouse and taught a class, returning to town in time for church services at eleven o'clock. In the afternoon came a lecture in the college chapel, followed by another church service in the evening. “The faithful fulfillment

of these engagements, with a reasonable amount of Sabbath-day reading," and the writing of synopses of sermons and lectures filled every hour of a long day.

The college year of 1842-1843 passed in much the same manner as the preceding year. A number of incidents reveal the developing ability of James Harlan and his growing influence in the student body. As the spokesman of a movement to erect a monument in memory of a deceased student he succeeded in overcoming and disarming the opposition of a faction led by Mark Smith, whose father was at that time a United States Senator from Indiana. He was again chosen by the Platonean Literary Society, of which he was President during a portion of the year, as one of its debaters in the annual contest. He successfully defended a member brought to trial for alleged offenses against the society's laws; and caused the defeat of a motion to confer honor upon a member who had been publicly dismissed from the university for violating certain rules of the institution.²¹

During the spring vacation the young orator took an active interest in politics. He wrote a number of articles for a Rockville newspaper, "took part in several political debates in the county, attended the county Whig convention, and was appointed a delegate to the Whig Con-

gressional convention". In fact, he became so much interested in politics that when, several months later, he received a letter from a friend urging him to take the stump in Park County and seek political office, he found the temptation strong. Nevertheless, he recorded in his journal: "I take part sometimes in political discussions,—but I have no desire for official stations. I think I will be a farmer."²²

Scarcely had Harlan reached his home in September, 1843, at the end of the college year, when he received a call from George C. Snow, an intimate friend and the prospective husband of his sister Lydia. Snow brought the news that he had made arrangements for James and himself to become members of a party which would start on the following Monday for the much talked of Territory of Iowa. Although there was little time for preparation the plan appealed strongly to the young man, who was curious to see the "new country" west of the Mississippi, and accordingly he accepted the invitation.

The party set out on their western journey on September 18, 1843, in a "two-horse wagon" which doubtless had the customary canvas cover, and which was well stored with blankets and necessary supplies. During the first day they "ferried across the Wabash river; passed through the town of Newport, . . . and

a few miles beyond camped for the night". Sunrise the following morning found them once more on their westward way, and soon they emerged from the forest upon the "Grande Prairie".

"Although I had been familiar with the appearance of such prairies as were to be found in the vicinity of the Wabash river I had never before seen any like those upon which we were now entering", wrote Harlan when recalling his astonishment at the first sight of this great stretch of open country. "Their immensity was over-whelming. In fact the whole country appeared to be only one boundless expanse, a vast ocean covered with grass mingled with native flowers, here and there relieved by groves, and spurs and tongues of timber reaching out from the main bordering forests, like islands and capes and promontories in and around the great sea."²³

The party proceeded across this "wonderful country", through Urbana, Bloomington, Peoria, Knoxville, and Monmouth, to Burlington in the Territory of Iowa. The team and wagon and the four men were transported across the broad Mississippi for the modest sum of one dollar. Lodgings were secured in the "Union Hotel" at Burlington, and the young Hoosiers proceeded to make a survey of the town, "which

had acquired considerable notoriety; having been the capital of the Territory of Wisconsin, which at that time included Iowa; and after Wisconsin became a State, remained the metropolis of the new Territory. It was not a large city,—containing probably not more than two thousand inhabitants, residing in primitive looking dwellings clustered together between two rugged hills at the mouth of a small stream called ‘Hawk-Eye Creek’. The inhabitants, however, appeared to be alert, intelligent, enterprising, and courteous,—especially so to ‘new-comers’.”²⁴

Shortly after arriving in Burlington Harlan and Snow parted from their fellow-travelers, who were bent upon proceeding farther into the interior. The two young men watched their comrades drive away “over the hills” to the westward, and then with “an indescribable feeling of loneliness” returned to the hotel. The following morning they were greeted with stories of mob violence and an attempted murder during the night. “But, being Americans born and brought up on the western frontier,” they readily “understood that these unpleasant happenings were merely as the froth on the crest of the incoming wave of population, which would soon disappear without affecting the character of the depths below; and that the great body of the people here on the very verge

of civilization were on the average as reliable and desirable for neighbors and friends,— and as intelligent, enterprising, patriotic and trustworthy as anywhere else in the whole country.”²⁵

Leaving Burlington on the second day, the two companions set out on foot for Wapello, thirty or forty miles to the northward, stopping over night at a small village known as Yellow Springs. Here they were overtaken by the tri-weekly stage-coach from Burlington to Wapello, and in that jolty vehicle they continued the journey to their destination. Several days were spent at Wapello visiting with friends and making short excursions into the surrounding country. Returning to Burlington early in October they took passage down the Mississippi River on the steamboat “Louis Oak”. At the village of Montrose “passengers and cargo were transferred to open barges” or keel-boats. As these rude craft were propelled down the stream the travelers obtained an excellent view of Nauvoo, the city of the Mormons. “It was said to be only three years old, and to contain at this date twenty thousand inhabitants.”²⁶

The next stop was at Keokuk on the Iowa side at the foot of the rapids, where Harlan and Snow remained for a day and night, securing lodging in the home of a “full fledged Mormon”. “The town of Keokuk at this date was

not attractive. The bluffs were precipitous, and approached so close to the river as to leave room only for a very narrow wagon road, located close up to the water's edge, and one somewhat long row of buildings on the other side of this drive-way, where they seemed to be engaged in a sort of life and death struggle with the rugged hills to secure room to stand on. This only business street was undulating, crooked, and unimproved in any way. The houses were small and primitive and only one story in height. One of them only was made of bricks; a very few were frame, and the residue were constructed of logs. The resident part of the town was located on the bluffs, and was even less inviting in appearance than its business street."²⁷

The steamboat "Leander" conveyed the two wanderers from Keokuk to Hannibal, and thence they journeyed on foot and "in a so-called 'stage coach' to the town of Paris", Missouri, which place became their headquarters during the succeeding three weeks. Although slavery did not exist on a large scale in northeastern Missouri, the people were for the most part slaveholders in their sympathies, and so James Harlan had an excellent opportunity to study the workings of the system while on the numerous trips which he and his companion made into the country around Paris.

He found the slaves well fed, clothed, and sheltered, and in the main well treated. But he noted "at least two crowning evils so rooted in this system of servitude as to be without remedy", namely, the inevitable tendency to depravity in the relations between the races, and the "admitted necessity of keeping the slave population in ignorance".

Late in October the young men departed from Paris and after five or six days found themselves at Clinton, a small village in the western part of Monroe County, Missouri, where a Methodist "Quarterly Meeting" was in progress. Learning that a teacher was wanted for the district school in the community, Harlan applied for the position. "After considerable negotiation with the 'Board of Trustees', composed of three of the neighboring farmers, consultation on their part with the principal patrons, . . . followed by a thorough personal examination" by the School Inspectors of the Township "at the school house, in the presence of the leading citizens", he was elected. His confidence in the wide-spread fame of his university received a rude shock, however, when a letter of recommendation signed by President Simpson, presented during the course of the examination, elicited no response save the question: "Who is Mr. Simpson?"

The school term began on November 7, 1843,

and for three months Harlan was busy teaching classes, conducting a literary and debating society, and giving instruction to an evening grammar class, his companion, George C. Snow, being one of his pupils. By the end of the term Harlan's fame as "a teacher by lectures" had spread, and he received and accepted an offer to organize a "Grammar School" in a neighborhood not far distant from Clinton.

In the new community Harlan was much in demand in a social way and was often entertained over the week's end in the homes of the leading families who evidently looked upon him as especially eligible matrimonially. Nor was the young teacher unimpressible. With pleasing frankness his journal chronicles the minutest details of his visits in the homes of his patrons, giving enthusiastic pen-pictures of several young ladies who strove to warm the heart of the exile. An exciting experience of being lost for several hours in a dense fog, with wolves howling all about him, while returning from one of these pleasant visits, led him to write in his journal: "As all nature in the form of fog, rain, wind, clouds, smoke and wolves conspire against it, perhaps I should not repeat my visits to the Henegars, notwithstanding the charms of the enchanting daughter!"

The last day of school came and with it a crowd of visitors to attend the examination of

the pupils, which resulted to the evident satisfaction of the solicitous parents. Then, after several days occupied in attending a Whig County Convention, and after bidding a regretful farewell to friends and patrons, Harlan and Snow "started on foot for Hannibal—the nearest steamboat landing on the Mississippi river". Although it was nearly the last of March the travelers encountered a severe blizzard when well on their way; but with faces turned homeward they resolutely trudged on through snow and mud, reaching Hannibal about noon of the second day. Here they took passage to St. Louis, and thence proceeded by boat up the Ohio River, a trip which was enlivened by a race with a rival craft. At Evansville, Indiana, they left the river and, journeying partly by boat and partly overland, reached the Harlan home on April 6, 1844.²⁸

During the remainder of April and the early part of May, James assisted his father in putting in the spring crops. In the meantime, however, he was given ample opportunity to indulge his taste for political speech-making. One week after his home-coming he attended a political meeting on the "Rocky Fork" and "made a speech about an hour and a quarter long which was listened to attentively, and rapturously applauded at the close." Six days later he "went to Rockville, by invitation, and

delivered a speech to the Clay Club, which was well received". On May 10th he spoke at Roseville and was offered the Whig nomination as a candidate for a seat in the Indiana legislature from Park County, an honor which he "felt a strong inclination to accept", but after reflection "acquired sufficient courage to decline".²⁹

Shortly after this event he returned to Greencastle and resumed college work, without serious loss of position in his classes, notwithstanding his long absence. James Harlan, the upper-classman, found life intensely earnest. Behind in Latin, and deep in the mysteries of Greek construction, he yet took time for participation in forensic contests — the prominence of which in the life of western colleges in large measure explains the readiness of western statesmen in oratory. Political discussions, temperance addresses and miscellaneous public speeches became more frequent, and claimed much of the student's time. This was the year of the presidential campaign, and Harlan was ever ready to speak in support of the "Great Compromiser". During the summer term he received a flattering offer from President Simpson to become a collecting agent to secure funds for the college, but deemed it best to decline.

A vacation in October was filled with hard work on the farm, the routine being relieved by

a political speech and a second visit to his birth-place in Illinois. Then came the senior year which passed rapidly, with few unusual events to disturb the even tenor of student life. On Wednesday, August 20, 1845, James Harlan was one of a class of eleven who received their diplomas and the degree of B. A. at Asbury University. He had been in actual attendance less than three years, but during the long periods of absence he "was not intellectually idle" and so was able to keep pace with his classmates. And it is interesting to note that the total cash expenditures of his entire college course — from June 1, 1841, to August 20, 1845 — aggregated only two hundred and sixty-six dollars and seventy-two and three-fourths cents!³⁰

IV

MARRIAGE AND REMOVAL TO IOWA

COLLEGE activities, however, did not occupy all of young Harlan's time at "Old Asbury", especially during the last year. The social life of the town of Greencastle evidently had strong attractions for him, for in his diary were recorded the names of fifteen or twenty young ladies upon whom he "occasionally made a friendly call" during the last year of his college course.³¹ But among these young ladies the one whose name appeared most frequently was Ann Eliza Peck,³² and before commencement day the two had come "to a definite understanding" as to what their "relations should become some time in the future." Thereafter Harlan heard Miss Peck recite "two or three times a week in Mental Science and other advanced studies not included in the course pursued at Mrs. Larabee's school for young ladies, which she had been attending." Later he "gave her an examination on her preceding lessons in Upham's Mental Philosophy; and formed a very flattering opinion of her capacity."

On the evening of commencement day Harlan received another urgent offer of the position of traveling financial agent for the university, but again thought it best to decline. On the following day he returned home where he spent the greater part of the following two months, assisting his father with the work of the farm. Early in November, accompanied by his two sisters Lydia and Jane, and his friend and prospective brother-in-law George C. Snow, he drove to Greencastle; and there, on Sunday, November 9, 1845, James Harlan and Ann Eliza Peck were united in marriage, President Simpson officiating at the ceremony.³³

A three months term as the teacher of a district school and a month on the Harlan homestead making maple sugar occupied the time until about the middle of March, 1846. Then it was that the call came which brought James Harlan to Iowa, then about to emerge into Statehood. While visiting friends at Greencastle he was sought out by Rev. James L. Thompson, the duly authorized agent of Iowa City College, who came in search of a principal for the new school.³⁴ After consulting with the faculty of Asbury University, and upon their recommendation, he offered the position to Harlan. The young man was not long in deciding to accept the offer.

Preparations were immediately begun for the

overland journey to the country beyond the Mississippi. Preferring to provide his own means of transportation, rather than undertake the tedious and expensive journey by mail coach, Harlan secured a good, strong horse and an open buggy "with body large enough to carry two persons and a trunk, with light hand baggage, and the usual wraps to guard against cold stormy weather." Thus equipped, the young couple bade farewell to their Indiana friends, and on March 14, 1846, started for their new home in Iowa, accompanied by "Father" Thompson and a young man from Covington, Indiana, named Richard Poore. After an uneventful journey of twelve days the party reached Iowa City on March 25th, and found hospitality that night in the home of Dr. Jesse Bowen.³⁵ For several weeks thereafter the Harlans lived in the home of John M. Coleman, who as Territorial Agent for several years had been largely instrumental in raising funds for the erection of the capitol building. A small house adjoining the building used by the college was then secured and the couple began house-keeping.³⁶

Iowa City College, the principalship of which James Harlan now assumed, was incorporated by an act of the Territorial legislature approved on February 15, 1843. Although the movement for establishing the college had been inaugu-

rated by the Methodist Episcopal Church and the act of incorporation declared that it should be under the patronage of that denomination, it was also stipulated that the college should be "founded and maintained forever, upon a plan the most suitable for the benefit of the youth of every class of citizens, and of every religious denomination, who shall be freely admitted to equal advantages and privileges of education". The Trustees were named in the act, their powers and duties were defined, and the north half of block five was donated to the college on the condition that a building or buildings should be erected upon it within a specified time.³⁷

The Trustees "were all duly sworn in pursuance to the Charter, by Fernando H. Lee, a Justice of the Peace in and for Johnson county" on April 3, 1843. They then proceeded to organize, and James L. Thompson and Anson Hart were chosen President and Secretary of the Board respectively. Committees were appointed to draft by-laws for the government of the Board, to secure suitable rooms for college purposes, and to secure the services of competent teachers. From this time, however, until the coming of James Harlan very little seems to have been accomplished.³⁸

"Within a few days after our arrival I was presented to the Board of Trustees of this infant college, and was unanimously elected

Professor of Languages, and Principal of the Institution", wrote Harlan in the story of his life. He found that the Trustees had already engaged Mrs. Anson Hart as Principal of the Female Department, although he had supposed that he should have complete freedom in the choice of his subordinates. Nevertheless, he proceeded to organize, or rather to reorganize, the school, "forming the boys and girls into classes according to their respective state of advancement without reference to sex." When Mrs. Hart reported for duty he found her thoroughly in sympathy with his ideas, and consequently a separate "Female Department" was not maintained. The attendance was not large at first, but it gradually increased during the year, and the young educator soon became deeply interested in his work and strongly attached to his students.³⁹

The college year was divided into two terms of five months each, and each term consisted of two quarters of eleven weeks each. There were three departments, an infant department, a preparatory department and a collegiate department; and a course of study was offered which was quite comprehensive for a frontier school. Since it was necessary that the school should be largely self-supporting, the rates of tuition were high, ranging from two dollars to six dollars per quarter for each subject or group of sub-

jects. The government of the school was declared to be "mild, parental and firm", and it was announced that board could be secured "in respectable and pious families, at from \$1.00 to \$1.75 per week."⁴⁰

Besides attending to the duties of his principalship James Harlan took an active part in the church and social life of the capital city, and made many friends among the citizens and members of the legislature. Frequently he was called upon to address public gatherings on social, religious, and educational topics. In fact he became so popular as a public speaker that the demands upon his time soon exceeded the limit of his ability to respond.⁴¹ The acquaintances and experience thus gained stood him in good stead in subsequent political campaigns. The event of this period, however, which was given the most space in Harlan's autobiographical account was the birth of his first child, Mary Eunice, which occurred on September 25, 1846.⁴²

V

CANDIDATE FOR STATE SUPERINTENDENT

AMONG the offices created by the Constitution under which Iowa was admitted into the Union in 1846 was the office of Superintendent of Public Instruction, which was to be filled by popular election.⁴³ Upon the General Assembly was imposed the duty of determining the time and manner of holding the election, and the powers, duties, and compensation of the Superintendent. Accordingly, by an act approved on January 24, 1847, the legislature provided that a Superintendent and certain other school officers should be elected "at the next annual township election",⁴⁴ the date of which was by another act set for the first Monday in April, 1847. The importance of the office in the eyes of the legislators is evidenced by the fact that it carried with it a salary of twelve hundred dollars, while the Governor of the State received only one thousand dollars.

The Democrats were the dominant party in Iowa at this time. The Constitution was distinctly an instrument of their making, and at

the first election of State officers, in the fall of 1846, they elected their entire ticket and captured the upper house in the General Assembly. Consequently, if the election of a Superintendent of Public Instruction should be determined on partisan grounds, it seemed entirely likely that a Democrat would secure the office. James Harlan, however, was not willing that partisanship should enter into the choice. He had come to Iowa to aid in the educational development of the Commonwealth, and naturally felt a deep interest in the selection of the first Superintendent. "Taking careful note of the distribution of high official honors among the leading members of the Democratic party", it became clear to him "that this position was regarded by them simply as a 'plum' to be awarded, like purely political offices, to one of themselves as a reward for partisan services; and that Hon. Charles Mason, of Burlington, the Chief Justice of the Supreme Court of the Territory", who would soon be out of office, "would be designated as a candidate on the part of the democracy."⁴⁵

Notwithstanding Judge Mason's high character and many qualifications, Harlan did not favor him for the superintendency, believing that he would regard it as an office worthily won, rather than as a post of duty; and that he "would make it a mere *ad interim* affair, and

a stepping stone subservient to his future political promotion.”⁴⁶ Believing that the best interests of the educational system of the State demanded the defeat of Mason if he should become a candidate, and at the same time realizing that few men looking forward to a political career would be willing to make a race against an opponent so well known as the Judge, Harlan decided to enter the contest himself. And so, after consulting with friends and making inquiries to assure himself that the field was still open, he announced his candidacy early in March, “independent of party or caucus”, and placed announcement cards in both of the Iowa City newspapers.⁴⁷

This announcement precipitated a newspaper discussion and the Democratic organ at Iowa City was especially severe in its criticisms of Harlan. The candidate’s scholarship was called into question because in a note to the editor the word “April” had been misspelled. He was charged with duplicity in announcing himself independent of party nomination, the editor declaring that this was merely a subterfuge to gain Democratic votes, and that Harlan had been nominated by a Whig junta. Moreover, Harlan’s short residence in Iowa was used as an argument against him. The Whig press, on the other hand, espoused Harlan’s cause, vigorously defended him against his opponents, and

denied Mason's qualifications for the office.⁴⁸ Thus the contest for the superintendency became a party struggle, in spite of the fact that Harlan himself had abjured partisanship.

Meanwhile Harlan was traveling over the State on horseback, addressing audiences on educational themes and becoming acquainted with the voters. An elaborate schedule of dates was arranged and published in the newspapers,⁴⁹ and on the last day of February, accompanied by his friend James L. Thompson, he set out from Iowa City on his arduous campaign, going first into the southern part of the State. The record of the events of the succeeding month which Mr. Harlan has left in his *Autobiographical Manuscript* is typical of the experiences of the political circuit-rider in the early days.⁵⁰ Hearty hospitality was the general rule everywhere, but a successful meeting at one point was often followed by a disappointingly small audience at the next. Frequently no announcement had been made of the candidate's coming, and a long, difficult journey was thus made of no avail. Bad roads were encountered everywhere and there were vexatious delays caused by floods or inclement weather. Sundays, far from being rest days, were devoted to lectures on education, temperance, or religious subjects. Fully half of the time he made two speeches a day, at points

separated by many weary miles of muddy road. Campaigning in Iowa in 1847 was by no means a pleasure jaunt.

The canvass, however, with all its seriousness of purpose and its hardships, was not without touches of humor. One afternoon while making all possible speed on the thirty-mile ride from Oskaloosa to Agency City, where he was scheduled to speak in the evening, he was halted by repeated calls from the direction of a cabin by the side of the road. Reining his horse he beheld a man perched upon the topmost rail of the fence in front of the cabin. "Your name is Harlan, I suppose?" queried the settler. Upon receiving an affirmative answer he inquired if the rider was a candidate for Superintendent of Public Instruction. Harlan responded that he was, and that he was on his way to Agency City to make a speech. "Well", remarked his interlocutor, "you have a good long distance to ride, and not long to make it; so I suppose you are in a hurry, and I will not detain you. I expect to vote for you; but I always like to see the man I am going to vote for. Good-bye!" With that he climbed down from the fence and Harlan rode on "much amused and also gratified with the incident."⁵¹

Harlan returned to Iowa City on March 18th to deliver a speech which had been advertised for that afternoon. Here he learned for the

first time that Judge Charles Mason had definitely announced his candidacy in a public letter which had just reached the capital city. In this letter Mason stated that he had been presented as a candidate by "the partiality of friends highly respectable, both in number and character", and that he had not sought the office, but that if elected he would discharge his duties to the best of his ability. At the same time he sought to cast reflections upon his opponent. The contest was not a political one, he declared, and political discussion would be out of place. "Nor do I know", he continued, "of any antagonism of opinion in relation to the manner in which the duties of this particular office should be discharged, which would justify an attempt to call the people from their ordinary avocations to listen to public discussions on electioneering topics. I have no peculiar schemes to propose — no objects, either personal, professional, political, or sectarian, to accomplish. I have neither time, taste, nor capacity, for mere oratorical display; and to perambulate the State for the purpose of soliciting suffrages I shall never do while I can find any more creditable employment."⁵²

This sarcastic letter by Judge Mason stirred Harlan's fighting blood. His belief that the Judge would deem it an act of condescension on his part to accept the superintendency was

confirmed, and it was evident to him that Mason "expected this office to march voluntarily and unsolicited, and deliver itself into his hand!"⁵³ Mason's supporters, however, were alarmed at their leader's inactivity, and they did everything in their power to make the Iowa City meeting unpleasant for the opposing candidate. "Hence, from this time forward," says Mr. Harlan, "I put into my addresses an element of personality. I did not call in question my opponent's purity of character, his great natural gifts, his wide range of learning, his transcendent qualifications as a military engineer, as a lawyer and as a Judge. But I insisted that neither his education by the Government as a cadet at West Point, nor his experiences in the Engineer Corps of the Army, nor yet his long official service as the presiding judge of a Territorial Court, furnished reasonable grounds for confidence in his qualifications and fitness for the office of Superintendent of Public Instruction".⁵⁴

Leaving Iowa City on the following day, March 19th, Harlan proceeded into the northern part of the State, speaking at Dubuque, Andrew, Dewitt, Davenport, Tipton, and various other points in that region. At Dubuque he was entertained by Thomas H. Benton, Jr., a nephew of "Old Bullion" and at that time a member of the State Senate. Little did these

two men guess that within a year they would be arrayed against each other in a contest for the same office which James Harlan was now seeking.

Shortly before election day an incident occurred which illustrates the directness of Harlan's campaign methods. In glancing over the newspapers which had accumulated during his absence on the northern tour, he discovered an anonymous communication in the *Burlington Hawk-Eye* in which the writer urged the election of Judge Mason, chiefly on the ground that a knowledge of the law, and especially of the school laws of the State, was a prime qualification for the office of Superintendent. The tone of this anonymous letter led Harlan to suspect that it had been written by Rev. A. J. Huestis, the Principal of the Mount Pleasant Collegiate Institute. Huestis had informed Harlan several weeks earlier that he himself intended to be a candidate for Superintendent in spite of the fact that he and Judge Mason were members of the same political party.

Convinced by the letter that there was a collusion between Huestis and Mason, Harlan immediately set out for Mt. Pleasant for the purpose of learning the true state of affairs. Arriving at his destination he found that a typical pioneer "barn raising" had drawn to town a considerable number of the voters of Henry

County. A meeting was arranged for that afternoon and it was soon noised about that something "crooked" was to be exposed. As a consequence, a large crowd gathered at the court house at one o'clock. Harlan plunged into his subject by reading the anonymous communication, and then turning to Mr. Huestis, who was present, asked him to "state whether he was or was not its author, and also, whether he had not Judge Mason's promise to be made his Clerk or Deputy in the event of his election." Mr. Huestis denied the charges, but in such an indefinite manner as to disappoint his loyal fellow-townsmen who confidently expected him to clear himself easily. Thereupon a stranger arose and produced a letter from Huestis to a Mr. Warren which conclusively proved the truth of Harlan's allegations, and left no doubt regarding an agreement between Huestis and Mason to the effect that the former was to become deputy in case of the election of the latter.⁵⁵

Weary after a month of almost constant travel and speech-making which had carried him into nearly every organized county in the State, Harlan now returned to Iowa City to await the result of the election. "When the election closed on the evening of the fifth of April, 1847," he writes, "I was strongly impressed with the belief that I had been elected,

although the contest had become largely political, and my political opponents were decidedly in the majority.”⁵⁶ The closeness of the contest, the distance of some of the precincts, and the slowness of communication, however, made the result uncertain for several days. But the suspense was finally ended. When the returns were all in and counted, it was found that Harlan had been elected by a handsome majority over his opponent, Judge Mason — much to the surprise of nearly everyone, except the successful candidate himself.⁵⁷

VI

ELECTION CONTESTS

JAMES HARLAN was a man doomed to bitter political contests and relentless partisan antagonism throughout his entire public career, and his election as Superintendent of Public Instruction was the beginning. No sooner was the fact of his election established than the Democratic leaders, smarting under the defeat of their candidate, began to look about for a pretext to prevent Harlan from entering upon the duties of the office. A pretext soon presented itself in the shape of what seemed to be a technical defect in the publication of the statute authorizing the election.

The State Constitution provided that no law of a general nature should take effect until it had been published and circulated in the various counties of the State by the proper authority. But if the General Assembly should deem that any act was of immediate importance they might provide that it should take effect upon publication in newspapers of the State.⁵⁸ The law under which the election of Superintendent

and School Fund Commissioners was held, however, contained no provision for its publication, but simply provided that these officers should be chosen at the next township election. The interpretation of this law by the legislators who enacted it, both Democrats and Whigs, by the Democratic Governor who approved it, by the Democratic Secretary of State who promulgated it, and by the voters at the polls, was that the next annual township election meant the election which was to be held on the first Monday in April, 1847.

In accordance with this interpretation the Democratic members of the legislature had nominated Judge Mason for the superintendency; the voters in all the organized counties had made nominations for School Fund Commissioners; and the Secretary of State had caused the act to be published, not only in the Iowa City newspapers, but also on separate sheets, duly certified, which were distributed to every county in the State.⁵⁹ With this official authorization and general understanding the election had been held. And yet the election thus called and held was now pronounced illegal and invalid!

The argument used by those who opposed James Harlan's right to the office to which he had been elected by a majority of the voters of the State, was that the law had not been pub-

lished in the manner required by the Constitution. They maintained that the Constitution contemplated only two methods of publishing the laws of the General Assembly, namely: in a volume containing all of the laws of the session, or by publication in the newspapers in the case of laws which the legislature deemed of immediate importance. Inasmuch, then, as the act calling for an election of a Superintendent and other school officers contained no provision for publication in the newspapers, it was argued that it could only become valid when it had been published in a volume with the other laws of the session. Consequently, no election could legally be held until in April, 1848, and the officers chosen on April 5, 1847, were not entitled to their offices.⁶⁰

In the newspaper controversy which followed, *The Iowa Standard*, the Whig journal at Iowa City, came valiantly to Harlan's support. It was held that the Constitution did not require that the laws should all be printed and circulated in one volume before they could take effect. Indeed, the editor insisted that if the legislature chose to publish the laws from day to day on separate sheets and distribute them to the counties, there was nothing in the Constitution which made such a method of publication invalid. In the case of the law in question, it had been made as accessible to the voters of the

State as it would have been had it been distributed in a volume of session laws, and consequently the spirit of the Constitution had been fully complied with. The denial of the validity of the election by the Democrats on the basis of a mere technicality was denounced as a subterfuge to cover disappointed and resentful partisanship, and it was asserted that if Judge Mason had been elected the point would never have been raised. Furthermore, it was pointed out that Judge Mason evidently had no doubt of the legality of the election, since he had resigned his position as Chief Justice in order that he might be free to accept the superintendency when elected, as he fully expected to be.⁶¹

While this newspaper discussion was in progress James Harlan was meeting with difficulties in his efforts to discharge the duties of the office to which, according to all principles of reason and justice, he was fairly entitled. When he applied to Elisha Cutler, the Secretary of State, for a certificate of election, he was refused by that official, "the pretext of his refusal being that as, in his opinion the election was void, it was the same in effect as if no election had occurred, and that there was no law specifically requiring the Secretary of State to issue certificates of elections in Iowa."⁶² Harlan, however, did secure a certified abstract of the returns of the election, and this he pre-

sented to the Governor, together with his official bond which the Governor approved. Then after consulting with friends and securing legal advice he filed his bond, took the oath of office, and forthwith assumed the duties and responsibilities of the superintendency. The School Fund Commissioners and the other local school officers chosen at the April election also proceeded to qualify and act.⁶³ But their troubles had only begun.

Shortly after filing his bond Harlan was served with a writ of *quo warranto*, at the instance of the District Prosecuting Attorney, George S. Hampton, commanding him to appear before the district court and show by what authority he was holding the office of Superintendent. Harlan, appearing by counsel, asked and obtained reasonable time in which to make a proper response to the writ. Thus the hearing was deferred and Harlan was left in possession of the office.⁶⁴ But at about the same time, clearly by arrangement, a suit was brought in the district court of Johnson County, against one Asa Calkin who had been elected in April as a school director of Iowa City. Calkin was a Democrat "and of a caliber sometimes described as 'a ward politician' ready to do whatever his party leaders required of him." Consequently, he made no defense. The Democratic Judge of the district court decided

adversely to the defendant, who then went through the form of appealing to the Supreme Court, also strongly Democratic in its prejudices, where the decision of the lower court was confirmed.⁶⁵ The result in this case, although purely a sham, was to embolden Harlan's opponents and to make it increasingly difficult for him to secure the official recognition necessary for a proper performance of his functions.

Among the many duties of the Superintendent of Public Instruction was the supervision of the selection of school lands, and the management of the school funds. Congress had granted the State for school purposes the sixteenth section of land in each township or an equal amount "as contiguous as may be", together with five hundred thousand acres of land within the State chosen in such manner as the legislature might direct.⁶⁶ Upon the School Fund Commissioners, under the direction of the Superintendent, devolved the task of selecting and selling the lands thus granted. Furthermore, Congress had reserved five per cent of the net proceeds of the sale of public lands within Iowa to be used by the State for school purposes, and it was the duty of the Superintendent to have charge of the funds derived in this manner.⁶⁷

James Harlan found these tasks very arduous. He had no precedents to guide him in the work, and it was only after extended cor-

respondence with the General Land Office at Washington that he received definite instructions as to the method to be pursued in selecting and selling the school lands. The hostility of the Registers of the land offices in Iowa, who were Democrats and accepted their party's view of the situation, was also a constant source of hindrance, since all selections of land had to be reported to them and placed on record in their offices. And Harlan was also greatly hampered by the fact that in several counties the School Fund Commissioners and other local school officers, either honestly or for partisan reasons considering their election invalid, made no effort whatever to perform the duties of their offices.

Notwithstanding these difficulties, Superintendent Harlan worked diligently and succeeded in accomplishing much that was of fundamental importance. He published an open letter to the local school officers, urging them to proceed with their duties and defending the validity of their election.⁶⁸ He also issued instructions to the School Fund Commissioners, telling them how to make the selections of school lands.⁶⁹ The result was that in many counties in the State the school system was put into successful operation, and a substantial beginning was made in the choice and sale of school lands. The Superintendent also traveled quite exten-

sively over the State, investigating the conditions and needs of schools, consulting with and giving advice to local school officers, and delivering public addresses on educational topics. Moreover, as President of the Board of Trustees of the newly established State University of Iowa, he took a prominent part in the early deliberations of that body.

The legislature met in extra session on January 3, 1848, and on January 11th the House of Representatives passed a resolution calling upon the Superintendent for a detailed report, together with all official correspondence connected with his office.⁷⁰ In his report, made in pursuance of this resolution, Mr. Harlan carefully stated the details of his election and his subsequent difficulties. He reported the amount of school lands selected and sold, the amount and disposal of the school funds, and the number of schools and pupils. The report closed with a defense of his right to hold the office of Superintendent, and with recommendations for modifications in the school laws; while an appendix contained the correspondence called for by the resolution of the House.⁷¹

The House of Representatives received and printed the Superintendent's report, legalized the sale of school lands and the investment of the proceeds under his supervision, and appropriated the necessary money to pay his salary

for the current year.⁷² But the question of the legality of Harlan's election was left untouched, except that in the legalizing act there was the inference that the election was considered invalid. In view of this attitude of the legislature, seconded by the Governor in his special session message,⁷³ it soon became apparent that a new election would be held in April, 1848.

In due time, as was expected, a Democratic State Convention was held at Iowa City for the purpose of nominating a candidate for Superintendent of Public Instruction, and Thomas Hart Benton, Jr., of Dubuque, received the nomination. This action on the part of the Democrats, together with the nearness of the date for the new election, compelled Harlan to decide at once whether he would again be a candidate for the position to which he and his friends believed he had been legally elected, or rest his case upon the decision of the court in the suit which was still pending. His friends seemed about equally divided upon the question. But while he had no doubt as to his right to hold the office, Harlan felt "that no one could foresee to what extent even conscientious judges might be warped in their opinions on a purely legal question by their relations to a political party on whose good opinion they must depend for a continuation of honors and emoluments." Therefore,

after mature reflection he decided "to make the race" again, deeming it safer "to trust the people in their primary capacity at the polls, than the judges of the Iowa courts as then constituted".⁷⁴ Moreover, he was desirous of ending the controversy because of its demoralizing effect upon the school system.

The campaign which ensued was even more strenuous than the campaign which preceded Harlan's election in 1847. The two candidates agreed to stump the State together and for that purpose arranged and published a schedule of dates covering each week day from March 6 to April 1. The customary method of joint debate was followed, the speakers alternating in speeches not more than an hour in length, following which each speaker might have a half-hour for rebuttal if he chose, but with the understanding that the last speaker should not introduce any new material. Thus the two men traveled from one end of the State to the other in a friendly campaign, sharing in common its hardships and its hospitalities. Late in life James Harlan wrote a detailed account of this canvass which presents a vivid picture of campaign methods in pioneer Iowa.⁷⁵

The election was held on April 3, 1848, and as the returns came in it was apparent that James Harlan was again the choice of the people by a small majority. Days and weeks passed and

still the result was left in uncertainty. Returns from two or three Democratic counties were so long withheld that the Secretary of State, Elisha Cutler, Jr., was obliged to visit the counties in person. Upon his return he notified Harlan that May 12th had been set as the date when the board of canvassers would canvass the returns, and that the candidates might be present at that time if they chose. But in the meantime Mr. Harlan and his friends had "become convinced that the Secretary of State, backed by the leaders of the democratic party in Iowa, had determined to so classify and count the returns of the election from the several counties as to secure the result they wished."⁷⁶ It was discovered that the two or three Democratic counties which were supposed to have been delinquent were not delinquent at all, but that the returns had been received by the Secretary of State and illegally opened by him. Upon finding that the Democratic candidate was defeated, he "withheld from the files the returns from these special counties, carried them back and had other returns made out and substituted, so as to change the result."⁷⁷

The official count, as announced by the board of canvassers on May 12th, gave Thomas H. Benton, Jr. the victory by a majority of one thousand two hundred and fifteen votes over James Harlan. But the method by which this

result was accomplished marks one of the most disgraceful instances of extreme partisanship to be found in Iowa history. The board of canvassers deliberately diverted from Harlan twelve hundred ballots in which the name Harlan had been misspelled in various ways, declaring that each separate spelling must be regarded as a different man. With mock consistency they also denied Thomas H. Benton, Jr. two votes which had been cast for T. H. Benton, Jr. but they considered Thomas H. Benton and Thomas H. Benton, Jr. as the same person.⁷⁸ Furthermore, an examination of the poll-books in the hands of the township clerks in Jackson County revealed the fact that Harlan had received eight more votes than were credited to him in the official returns. And in Marion County there were returns from two precincts which had no existence, but which gave Benton a majority of eighteen votes.⁷⁹ An impartial court, with all of these facts in mind, would necessarily have given Harlan a majority of nine. But the board of canvassers, all of whom were zealous Democrats, refused to entertain any question as to the correctness of the figures and Mr. Benton was officially declared elected.

The injustice of his defeat was deeply felt by Mr. Harlan. His intercourse with Mr. Benton had led him to suppose that when the facts were

known he would decline the office. But Benton soon arrived in Iowa City prepared to assume his duties. Thereupon Harlan wrote him a long letter stating the facts and the legal aspects of the case. Benton, however, responded in a curt note stating that it was not his place to go behind the returns.⁸⁰ For a time Harlan apparently considered holding the superintendency until forcibly expelled, and he stated his intentions to that effect in a public letter.⁸¹ But later, when the court had decided against his right to hold office under the first election,⁸² he realized the futility of further contest, and relinquished the office to his adversary.

Later in life, when James Harlan reviewed the events which marked the beginning of his long public career, he declared that as a question of ethics he still believed that he had been wrongfully deprived of the superintendency, but that "the influences adverse to a correct solution of a question of ethics" were in this case very potential. "Under the pressure of these conditions," wrote Harlan, "I would not now expect anyone entrenched behind an official count in his favor backed up by a dominant political party in full control of all the departments of the State Government . . . to do what then seemed to be so natural and so obviously his duty."⁸³

VII

LAWYER SURVEYOR AND COLLEGE PRESIDENT

THE close of the controversy over the superintendency found James Harlan financially in somewhat straitened circumstances. The expenses of the two campaigns had borne heavily upon him, and he had been compelled to borrow money from his friends. Consequently he was confronted with the immediate necessity of choosing some means of livelihood, and he decided to take up the study of law with a view to making it his life profession. Feeling the need of rest, however, he drove across country with his family and spent several weeks visiting relatives and friends in Indiana. He also made a trip to Cincinnati, where he secured a stock of books and stationery for a drug-store which he had purchased in Iowa City, planning to earn a living in this manner while studying law.

Returning to Iowa City in the summer of 1848, Harlan purchased a modest home⁸⁴ and settled down to the life of a merchant, devoting all of his spare time to reading law. At the same time he took an active part in the life of

the community. His ability as a public speaker was well known and he was often called upon to make religious and temperance addresses. The lynching of a burglar at Iowa City drew from him a long and able argument against resort to lynch law which appeared in a local newspaper signed "Civis".⁸⁵ A commission found among his papers indicates that he served as District Deputy Grand Worthy Patriarch of the Iowa Sons of Temperance for Johnson County.⁸⁶ Early in 1850 he took part in a bitter controversy aroused by the alleged burning of some so-called Protestant Bibles at the instigation of a Catholic priest living in Iowa City.⁸⁷ These and other occurrences indicate the broad range of Harlan's interests and activities while he was tending store and reading law during the years from 1848 to 1850.

In the spring of 1850 there occurred an event which proved that the former candidate for Superintendent was not forgotten by his political friends. On May 15th the Whig State Convention met at Iowa City and nominated James Harlan for Governor. "This was totally unexpected by me", he declares. "Such a thought had never entered my mind; and I had never heard it mentioned as in contemplation by any one And the Convention adjourned *sine die* without communicating with me on the subject, or appointing a committee for

that purpose; and, of course, without knowing whether or not the honor would be declined or accepted. My acceptance seemed to be assumed as a matter of course.”⁸⁸

Consequently, it was with surprise and chagrin that about two weeks later the Whigs throughout the State read Harlan’s letter of declination. He stated that in the absence of a seeming constitutional impediment he would not feel at liberty to decline to serve as the standard bearer of his party. But the Constitution provided that no person should be eligible to the office of Governor who had not attained the age of thirty years at the time of his election. He would not be thirty years of age on the day of election, and although the returns would not be canvassed until after his thirtieth birthday, the question of his eligibility would doubtless be raised. “And if our ticket should succeed, as we may reasonably expect,” he continued, “no one can doubt as to the course our political opponents would pursue, who is conversant with the partizan judicial proceedings and the Cutlerization by means of which I have been recently ousted from an office to which I had been twice elected by the sovereign people of this State, under pretexts more flimsy in their character.”⁸⁹

This declination was felt to be a severe blow to the Whig party. Harlan’s course was re-

ceived with sullen silence by some, with outspoken disapproval by others, and with regret by all. Whig lawyers were almost unanimous in the opinion that the age of the nominee would not have proved a constitutional disqualification. Whigs generally believed that with the eloquent young campaigner at the head of their ticket they might achieve a brilliant victory, and that the substitution of any other name would mean defeat. James L. Thompson, also of Iowa City, was selected as their second choice, and at the election in August the Democratic candidate, Stephen Hempstead, was elected by a majority of over two thousand votes.

Before the nomination of Thompson, however, an effort was made by the "Locofocos" to stir up antagonism between the friends of Harlan and those of the new nominee. The editors of the *Capital Reporter*, the Democratic organ at Iowa City, charged Harlan with "duplicity, treachery and hypocrisy" in pretending friendship for Thompson and then working to defeat his nomination in the Whig convention. Mr. Harlan vigorously denied these charges in an article in the Whig newspaper; and Mr. Thompson published a statement completely exonerating his good friend and sarcastically thanking the editors of the *Capital Reporter* for their unusual interest in his behalf.⁹⁰ But the incident is an illustration of the malevolent attacks

which James Harlan encountered throughout his entire public career.

Although Harlan declined the nomination for Governor, he did not refrain from taking an active part in the campaign in support of Thompson. He made speeches and wrote newspaper articles whenever the opportunity offered, and especially endeavored to arouse the activity of the Whigs by writing a circular letter which was widely distributed.⁹¹ A Fourth of July oration at Iowa City also enabled him to give expression to his political philosophy. Party spirit, national immorality, and human slavery were declared to be the three great dangers then threatening the welfare of the American people.⁹² The speaker's predictions concerning the dire consequences of slavery reveal the clear-sightedness of the man who later was such a staunch defender of freedom on the floor of the United States Senate.

In September, 1850, after a careful examination, James Harlan was admitted and licensed "to practice as an Attorney and Counsellor at law and Solicitor in Chancery in any of the Courts of Record of this State."⁹³ Professional business at first came slowly, but he "endeavored to attend to such as did come promptly and efficiently, to be thoroughly prepared in every case which came to trial either before a justice of the peace or the district

court", and thus in time he built up a substantial practice. But he found it impossible to withdraw from "participation in outside discussions and enterprises which a wise regard for professional advancement would have dictated." He was a man of strong convictions, and as he writes, it was difficult for him "to live in a community and not become an active worker for whatever its welfare" seemed to require at his hands.⁹⁴

Among the public discussions in which Harlan took part was one which occurred shortly after his admission to the bar. He engaged in a sharp newspaper controversy with Le Grand Byington over a proposed railroad connecting Iowa City with the Mississippi — a controversy begun by a card from Harlan correcting a published report that he and Judge William H. Henderson had declined to act as committeemen to devise ways and means for the proposed railroad because they were not in sympathy with the project. The controversy developed into a discussion of Whig and Democratic attitudes toward internal improvements. Harlan held that the plan was simply impracticable without the aid of eastern capital and that such aid could not be enlisted at that time. The disputants evinced deep feeling and little respect for each other.⁹⁵

Scarcely had this war of words been brought

to a close when the question of a candidate for State Superintendent against Benton was considered by the Whigs, and Harlan was again compelled to disappoint his friends by refusing to accept the nomination if tendered to him. He was well entered upon the practice of law and felt that he could not afford to abandon his profession for the canvass, much less for three years of service if elected. During the campaign, however, he wrote several editorials for the *Iowa City Republican* in support of the Whig nominee, William G. Woodward. He unsparingly arraigned Benton for accepting an office with a commission which was beclouded by fraud, and censured him for negligent and unwise trusteeship of the school fund and for failure to perform his duty in other respects. The editorials were written in the direct-attack and explanation-demanding style of fifty years ago; and notwithstanding the author's disclaimer they reveal touches of personal resentment. "I had come to think of him [Benton] simply as a politician of the opposing party, whose official acts were proper subjects for fair criticism", says Harlan.⁹⁶ In spite of all opposition, however, Thomas H. Benton, Jr. was re-elected Superintendent of Public Instruction.

The year 1851 and the early part of 1852 passed without any particular disturbance in Harlan's life as a fairly successful lawyer. In

December, 1851, he participated in the celebration of the completion of the Burlington and Mt. Pleasant Plank Road, which in those days before the coming of the railroads seemed "like the breaking of the blockade of a beleaguered city."⁹⁷ During this year, also, his law practice had become sufficiently remunerative to enable him, in partnership with a neighbor, William Crum, to purchase and improve a small tract of agricultural land on the west bank of the Iowa River near Iowa City.⁹⁸ In February, 1852, he was admitted to practice in the Supreme Court of Iowa, and his first case at that bar was the case of *Talbot v. De Forest*.⁹⁹

"I prepared an elaborate brief," Harlan wrote many years later when recalling this case, "which in my opinion at that time, was conclusive in my client's favor; and my opinion of the astuteness of the Judges who decided it adversely to his interests, was not flattering to their learning and legal acumen! I preserved the original draft of this brief, and have just concluded its perusal. And, although I find it creditable in the manifestation of both research and logic, I am now amazed that I should have failed to perceive the real legal questions involved. I still think, however, that my client's contention was just, and that Blackstone's averment that 'Wherever there is a right, there is a remedy', if true in theory, was not practicable in this case."¹⁰⁰

In September, 1852, James Harlan entered upon an undertaking which was seemingly inconsistent with the practice of law. A year before, under the spur of necessity and prompted by his natural love for out-door life, he had applied to George B. Sargent, the Surveyor General for Wisconsin and Iowa, for the position of Deputy Surveyor, and the appointment had been delayed. Harlan had learned the elements of surveying early in life under the instruction of the Kentucky school-master, Jeremiah Terry, but he was frank to admit that it was as much political influence as his ability as a surveyor which gained him the appointment. He was assigned to a field on the headwaters of the Raccoon River in what is now Carroll County, a region "many miles beyond the most advanced frontier settlement", and his task was the division of townships into sections.

Although the season was already well advanced when the appointment was made, Harlan realized "that the beautiful autumnal weather in Iowa some years extended through the month of December", and hence he did not feel justified in asking for an extension in the time of his contract. Consequently he immediately organized a party of men and purchased horses, a camp outfit, and the supplies necessary for carrying on the work. But finding it impossible to leave Iowa City at once himself, he sent the

party out under the direction of Stephen H. Henderson. For several days the men pursued "their tedious journey, across trackless prairies, through groves of roadless timber lands, and across unbridged streams." They finally succeeded in reaching their destination and began work, but after surveying one township they were driven in by a severe snow storm. The camp equipment and provisions were left in charge of a frontier settler and the party turned their faces homeward, reaching Iowa City late in November. Operations were necessarily suspended until the following spring, thereby entailing a severe financial loss upon Harlan, because his compensation for the work accomplished was not sufficient to pay the wages of the men.¹⁰¹

Meanwhile the presidential campaign of 1852 was being waged between the Whigs, under the leadership of Winfield Scott and William A. Graham, and the Democrats, with Franklin Pierce and William R. King at their head. The Whigs in Iowa remembering the eloquence of the young Hoosier made frequent calls upon him for speeches during the last weeks of the campaign. Harlan responded to the best of his ability and at various points throughout the State propounded the leading principles of the Whig platform, namely: a tariff for revenue with incidental protection to American indus-

tries, internal improvements at the expense of the National government, the re-charter of the National Bank, the restriction of the President's veto power, non-interference with slavery within the States, and the distribution of the proceeds of the sale of public lands among the States.¹⁰²

It was not until April, 1853, that the interrupted surveying work was resumed. Harlan employed the requisite number of men, including an assistant deputy surveyor, a compass man, two chainmen, one flag-man, and a teamster, hunter and general substitute. A contract was entered into by which Harlan agreed to pay each of these men fifteen dollars a month, while they in return promised to remain in Harlan's employ until the task to which he was assigned was completed. With this understanding the party left Iowa City early in April and on the sixteenth day of the month began work at the southeast corner of what is now Jackson Township in Calhoun County. One month of energetic work was sufficient to complete the survey of the five townships allotted to Harlan, and the party returned once more to their homes. "The incidents of this episode in my life history were mostly agreeable," writes Harlan, "and its experiences were useful; but not pecuniarily remunerative."¹⁰³

Shortly after his return to Iowa City Mr.

Harlan received a letter which resulted a few months later in a decided change in his plans. Several times during the past year he had received letters from the trustees of the Mt. Pleasant Collegiate Institute (now Iowa Wesleyan University) urging him to accept the presidency or principalship of that institution. It was a small school of little better than preparatory grade, and at first the prospect was not sufficiently attractive to lure him from his growing law practice. But the instinct of the educator was strong within him and finally he promised to go to Mt. Pleasant and investigate the situation.

After preparing the report of his surveying operations and making certain corrections in some of the lines which his men had run, he drove to Mt. Pleasant and met with the Board of Trustees. They informed him that they owned twenty acres of ground and a commodious two-story brick building, that they were free from debt and had a school of fifty or sixty pupils, and that with proper management the number would rapidly increase. They proposed to give Harlan entire charge of the institution, with the understanding that he should employ all of his assistants, collect tuition and other funds, pay all expenses, and retain the remainder as his own compensation. The plan thus outlined was unsatisfactory to

Harlan, and he frankly told the board that unless they would agree to do much more than they had proposed he could not accept the presidency. He had supposed that they intended to establish a real college, capable of giving a full collegiate course. But as this would require several buildings, adequate scientific apparatus, a good working library and a competent faculty, there must be some other source of income than merely the tuition of the students.¹⁰⁴

The breadth of James Harlan's views was a revelation to the Board of Trustees, and some of the members were inclined to doubt the practicability of putting his plan into operation. But in the end his ideas were adopted and he was engaged as president, with plenary powers to reorganize the college and place it upon a substantial basis. It was with no little inward struggle that he made what seemed to his friends a long step backward—from an assured position at the bar in the capital city to the presidency of a small educational institution, in equipment and number of students scarcely more than a local academy, and in resources dependent upon tuition fees and donations.

Having made the decision, however, the new president with characteristic energy entered upon his work. Financial plans were discussed

with Rev. I. I. Stewart, the General Agent of the school, and a subscription paper was drawn up and circulated to raise money for the erection of a new building. It was not an easy task to secure donations, for the Iowa of that day was a pioneer region and the population was for the most part made up of families who were struggling to earn homes. "As I now remember," writes Harlan, "we received no one subscription which exceeded one hundred dollars; and very few of them were so large. Many of them did not exceed five dollars each, and a considerable number were smaller than that. But, on the principle that 'farthings make pennies, and pennies make pounds', we proceeded steadily from day to day with our work of soliciting,—chiefly by domiciliary visitation, making slow but steady progress, during the summer and autumn."¹⁰⁵ Early in the winter President Harlan removed his family to Mt. Pleasant.

Under the impulse given by the reorganization the school took on new life and the number of students greatly increased. New instructors were chosen, new work was undertaken, and the school began to take on the actual work and dignity of a college.¹⁰⁶ The limited number of instructors, however, made it necessary that the president should personally hear recitations every hour of the school day. He was not only

“President of the Faculty”, but also “Professor of Intellectual Philosophy and Moral Science”. In due time a new three-story brick building was begun, and on the fourth day of July, 1854, the corner-stone was laid, the address being delivered by the President. Harlan became so much interested in his work that the suggestion of friends that he should be a candidate for the Whig nomination for Governor received no serious consideration.

The one drawback to President Harlan’s perfect enjoyment of his work was his uncertain health, which had become a source of anxiety to his family and friends. Indoor life and the intense nervous strain under which he had labored much of the time since coming to Iowa had undermined his health to such an extent that he firmly believed he was in the early stages of consumption. Nevertheless, he determined to devote his best energies, during the short time which he felt remained for him, to the up-building of the college. And so, throughout the year 1854 he labored untiringly and with such success that he secured the active support of the Iowa Conference of the Methodist Episcopal Church to the exclusion of representatives from Northwestern University, who had been endeavoring to secure aid among the Iowa churches.¹⁰⁷

VIII

FIRST ELECTION TO THE SENATE

THE year during which James Harlan was laboring to place the Mt. Pleasant college on a firm foundation was a year of great significance in the annals of the Nation. A movement of protest against the encroachments of the slave power in the free territories of the West was sweeping over the country, threatening the very life of "the divine institution" by denying it the right to grow. The issue became well defined in 1854, when an act passed Congress organizing the Territories of Kansas and Nebraska and declaring that the Missouri Compromise was inoperative and void in the newly created Territories. This clause was a direct challenge to the opponents of slavery, and the bitterness of the discussion which followed was without parallel in the Nation's history. In the Territories immediately affected the antagonism between the friends of freedom and the champions of slavery passed from words to blows, bloodshed, and devastation. The eyes of the Nation were intently fixed on "bleeding

Kansas'' and the scarcely less unhappy Territory of Nebraska. To the people of Iowa, especially, the struggle was of real and vital interest, and 1854 was a year of great political excitement.

Here was an issue to command the young educator's profound attention and arouse his deepest sympathy. Born in an atmosphere of hostility to slavery, living among pioneers to whom freedom was a word big with meaning, and educated under the influence of Matthew Simpson, James Harlan's antagonism to slavery, intensified by his brief, first-hand study of the system in Missouri, had become a part of the mental and moral fiber of his being.

It was in the campaign of 1854 that the Republican party in Iowa was born. A Governor and other State officers were to be chosen, and in the campaign the Democratic party, which had held almost unbroken sway since the organization of the Territory in 1838, found itself confronted by a new and dangerous coalition. The anti-slavery Whigs and Democrats and the original Free-Soilers and Abolitionists had found common ground in their opposition to Douglas's measure, and they banded themselves together under the name of the Anti-Kansas-Nebraska party, soon afterward adopting the name "Republican". They chose as their candidate for Governor James W. Grimes, a man in

the prime of life, brave to the point of audacity, imbued with the righteousness of his cause, and impressed with the necessity of stemming the pro-slavery tide which was sweeping over the Territories. He entered into the campaign with zeal and earnestness, and in an address to the people of Iowa declared that he would "*war and war continually* against the abandonment to slavery of a single foot of soil now consecrated to freedom."¹⁰⁸ Grimes and the other Anti-Kansas-Nebraska candidates were carried into office by large majorities, and the legislature was also anti-Democratic.

"This political revolution", wrote James Harlan many years later, "seemed to open the way for the transfer of many desirable official positions from the Democracy to the possession of members of this new organization, which the latter were not reluctant to acquire. The most coveted of these official 'plums' were the three Judgeships constituting the Supreme Court of the State, and one seat in the Senate of the United States, then occupied by Hon. Augustus C. Dodge, whose term of service would expire March 4, 1855."¹⁰⁹ The names of several prominent Whigs were early mentioned for the senatorship, and shortly before the meeting of the legislature James Harlan was surprised to find his own name mentioned in this connection. "I had not thought of the position as either

possible or desirable for me", writes Harlan. "My name had never, at any time, been coupled with it in my own thoughts, or as far as I then knew by anybody else, until a short time before the date fixed by law for the assembling of the members of the General Assembly when Colonel Laurin Dewey, of Mt. Pleasant, Iowa, in a private conversation with me, casually remarked that I ought to be the next United States Senator from our State. I was both surprised and annoyed. It seemed to me an attempt at flattery too extravagant to be agreeable".¹¹⁰

Dewey, however, assured Harlan of his earnestness, and within the next few days other friends, including Alvin Saunders and Samuel McFarland, approached him on the same subject. Saunders and McFarland were both members of the legislature, the one in the Senate and the other in the House, and their suggestions had special significance. Saunders reviewed the situation thoroughly and in the end secured permission to present Harlan's name in case there seemed to be "a good chance" for him to win.¹¹¹

To James Harlan the possibility that he would be the choice of the new party seemed very slight, in view of the large number of men who were mentioned for the place, many of whom he considered well qualified. In the first place, there was Fitz Henry Warren, a skillful

platform-maker and a leader in conventions. He had served as Chairman of the old Whig State Central Committee, as First Assistant Postmaster General under the Fillmore administration, and as the Iowa member of the Whig national campaign committee in the preceding presidential campaign. Consequently he was regarded by Harlan as the "logical candidate" of his party, and until the meeting of the legislature he was the man most frequently spoken of in connection with the senatorship. Besides Warren there were other veterans of many a political contest who seemed to the modest Harlan far more deserving of the honor than himself. Timothy Davis of Dubuque, Ebenezer and John P. Cook of Davenport, Jacob Butler and Stephen Whicher of Muscatine, Francis Springer of Wapello, James W. Grimes and his law partner, Henry W. Starr, of Burlington, James B. Howell of Keokuk, and George G. Wright of Keosauqua, all had their advocates and could all lay claim to reward at the hands of their party.

The General Assembly convened at Iowa City on December 4, 1854, and the senatorial question became the main topic of discussion. About ten days later James Harlan was surprised to receive word that he had been nominated by the Anti-Nebraska members of the legislature as their candidate for United States

Senator. He was informed, however, that "an election was not certain to follow, as was usual in such cases, for the reason that the Democratic members and a few bolting Whig members had apparently formed a combination to prevent it, with the hope of ultimately electing one of their own number; and that when so combined, they constituted a majority."¹¹² In fact, on December 13th, the day on which Harlan received the nomination, the two houses had met in joint convention for the purpose of electing a Senator, and two ineffectual ballots were taken. In each case the votes were divided between a large number of candidates, Augustus Caesar Dodge, the Democratic nominee, receiving the highest number of votes each time.¹¹³

The scattered vote in the joint convention taught the Anti-Nebraska forces the need of organization and the selection of a definite candidate. Consequently they held a caucus on the evening of December 13. A number of old-line Whigs refused to attend, because they feared the nomination of Fitz Henry Warren, who was particularly distasteful to them. The general expectation was that either Warren or Ebenezer Cook would be the choice of the caucus, with the chances in favor of Warren. But to the surprise of nearly everyone, on the seventh ballot James Harlan, whose name had scarcely been mentioned, was nominated by a majority of

thirteen votes over Fitz Henry Warren.¹¹⁴ It is pleasant to note that although sorely disappointed at the defeat of their favorite the Warren men, at the suggestion of their leader, came loyally to Harlan's support during the remainder of the contest. It was the opinion of many people, however, that Harlan would not be any more acceptable to the bolting Whigs than Warren,¹¹⁵ and succeeding events proved this opinion well grounded.

The legislature met again in joint session on the morning of December 14, and in spite of the fact that both parties had held caucuses on the night before, five men were named for Senator, namely: James Harlan, Augustus Caesar Dodge, Edward Johnstone, Ebenezer Cook, and Joseph H. D. Street. But before a ballot could be taken a few disgruntled Whigs led by Milton D. Browning, who seems to have had his own aspirations for the senatorship, suggested the propriety of questioning the candidates as to their views on the great topics of the day. One member stated that Harlan was in favor of amending the fugitive slave law, while another declared that he was a strong abolitionist and was opposed to the Compromise of 1850.¹¹⁶ After a rambling discussion, the object of which was clearly to cause delay, the joint convention adjourned until the following Thursday. "There is no knowing what will be done",

wrote Samuel McFarland to Harlan. "The Locos & Browning are moving heaven and earth to defeat any good WHIG. . . . If we could have got a ballot this morning I think you would have been elected."¹¹⁷

In order that their solicitude regarding Harlan's views on public questions might appear real, the Browning Whigs, together with a number of Democrats, prepared a set of questions and sent them to the Mt. Pleasant candidate. The questions were nine in number and were intended to bring out Harlan's attitude toward the Fugitive Slave Law and its repeal or modification, the further agitation of the slavery question, Seward's "Higher Law Doctrine", the right of Congress to admit additional slave States, and the binding force of decisions of the Supreme Court of the United States.¹¹⁸ "Of course I knew", writes Harlan, "that the foregoing interrogatories had been prepared and presented to me, in behalf of Democratic and a few old line Whig members of the General Assembly simply as a political trap: that the signers did not intend to vote for me in any contingency. They, no doubt, thought that *any* answer that it might be possible for me to give would aid them in securing my defeat".¹¹⁹

Accordingly Harlan decided to go to Iowa City "and give anyone who might desire it an opportunity to interview" him personally, in-

stead of making a public reply. At the same time he drew up a formal letter to be used in case there was need of it, in which he declared that "if elected to the Senate of the United States, in all *Constitutional* questions that might arise, I would expect to be guided in my action by the decisions of the Supreme Court and the well settled principles of Constitutional Law — in all questions of *Legislative Expediency*, by the views and wishes of the Legislature and people of Iowa — and in all questions of *Conscience* by the Bible."¹²⁰

Mr. Harlan's course suggests the wisdom of a man thoroughly trained in the school of politics. By offering to meet the individual inquirers face to face, assuming their good faith and honest interest in the questions raised, he disarmed them and left in their hands no weapons with which to attack him.

The joint convention met for a third time on December 21, 1854, and during the day three ballots were taken for United States Senator. Harlan received the largest number of votes on each ballot, but each time he failed to receive the fifty votes necessary to a choice. Augustus Caesar Dodge who had thus far received the Democratic support, asked that his name be withdrawn after the first ballot, and his followers divided their votes among Thomas W. Claggett, Bernhart Henn, Thomas

H. Benton, Jr., and others. The bolting Whigs for the most part continued to rally around Ebenezer Cook, and thus the deadlock continued. Finally the convention adjourned to meet again on the fifth day of January.¹²¹ On that day three more ballots were taken with no effect, Harlan lacking three or four votes of being elected, and again the joint convention adjourned until the following morning.¹²²

On Saturday, January 6, 1855, the hall of the House of Representatives was the scene of a strange procedure. It had become evident to the Democrats, who had a majority of one in the Senate, that the end of the contest was drawing nigh and that James Harlan would be elected. So, in the hope of at least causing further delay, the Senate hurriedly adjourned on the morning of January 6th, and when a committee appeared to inform that body that the House was ready to meet in joint convention, no Senate was to be found. Nevertheless, a number of Senators, without their President, entered the hall of the House and took their seats. The Speaker announced that the joint convention was in session pursuant to adjournment, and immediately a tumult burst out. Men rose in all parts of the hall, calling for order, shouting that the convention was not in session because the Senate was not present as an official body, and endeavoring to nominate a

presiding officer. The chairman and the clerks vainly endeavored to make themselves heard, until the Democrats, finding themselves outnumbered, withdrew from the hall.¹²³

The members who remained then proceeded to elect a President *pro tem*, and the Sergeant-at-Arms was instructed to notify the forty-four absentees that the convention was organized and ready to proceed with the election. After opportunity had been given the missing members to put in their appearance a ballot was taken and it was found that Harlan had received fifty-two votes — a majority of all the votes cast and a majority of the members of the General Assembly. James Harlan was therefore declared duly elected a United States Senator from the State of Iowa for the term of six years, beginning March 4, 1855.¹²⁴

The election was plainly accomplished in an irregular manner, but whether or not it was legal and valid was a question which gave rise to much discussion, both in the legislative halls and in the newspapers of the State. The Democrats in the legislature, who had been responsible for the irregularity because of their refusal to meet at the appointed time, drew up protests against Harlan's election and entered them upon the journals.¹²⁵ Thus the basis of a contest was established and it was left to the Senate of the United States to pass final judgment.

IX

FIRST WINTER IN WASHINGTON

JAMES HARLAN, at the age of thirty-five, found himself on the threshold of a great opportunity. With a contest before him, but with a majority of the voters of his State heartily supporting him, he had little to fear from the opposition. His misgivings were mostly concentrated on himself, for he keenly felt his inexperience and gravely questioned his ability to "measure up" with the strong men who constituted the Republican minority in the United States Senate.

During the time intervening between his election and his departure for Washington, Senator Harlan was busily occupied. He continued to take an active interest and part in his college work, although he had resigned from the presidency and was succeeded by his friend and colleague, Dr. Lucien W. Berry. On July 4th he delivered an address at Marion which reveals his intense earnestness and his firm grasp of the great problem then confronting the Nation. Later in the same month he journeyed to Greencastle, Indiana, and delivered the ad-

dress at the "Quinquennial Celebration" of the Platonean Literary Society at "Old Asbury". Returning to Iowa after a brief visit in Indiana, he received "an indication of the mellowing influence of the elections" in the shape of a formal call from George W. Jones, his Democratic colleague in the Senate, who came to Mt. Pleasant in a coach and four. In October, hoping that outdoor life would benefit his health, he accompanied a number of friends on a land-hunting trip in an open wagon across the country to Council Bluffs and eastern Nebraska, and found much to interest him in the unsettled western country.

During this year, also, James Harlan began to lay the foundations of that far-reaching influence which made him such a power in Iowa politics during the succeeding two decades. He opened correspondence with "active, capable, discreet, patriotic" Republicans in every county-seat and in other towns of any considerable size, and through them with local leaders in nearly every voting precinct. This correspondence thus begun, while involving a vast amount of labor, not only enabled Harlan to feel the political pulse of his constituents throughout his senatorial career, but also bound to him a large army of loyal supporters in all portions of the State. Furthermore, it is an instance of the thorough organization which

characterized the Republican party in Iowa during its early years.¹²⁶

Late in November Senator Harlan set out on the long and tedious journey to Washington, going by mail coach from Mt. Pleasant to Burlington and thence by rail through Chicago, Indianapolis, Columbus, Pittsburgh, and Baltimore. There were, in those days, no through trains to the East from Chicago, but the line "was owned and operated by numerous separate companies, totally independent of each other; subjecting travelers to frequent, and sometimes long delays, at the termini of the several sections composing the whole line." In fact it was not until November 27th that Harlan arrived in Washington, the journey having occupied nearly six days.

"I made this journey under considerable depression of feeling", he writes. "My health was so bad as to lead me to think I would not live longer than a year or two." Though his financial condition was "not desperate", his means were limited. "And I came", he continues, "to fight a battle for my right to a seat in a body of eminent statesmen a large majority of whom were politically hostile to my claim; and all of whom, except my colleague, were total strangers And I was affiliated with a new party then just forming, to which the *old* Whig and Democratic parties were bit-

terly hostile". Outside of the little coterie of Republican Congressmen and their families there were said to be not more than a half-dozen anti-slavery people in the District of Columbia, and these were "in constant danger of being mobbed and driven from the capital city."¹²⁷

On December 3, 1855, the oath of office was administered to James Harlan and he took his seat in a body made famous by the presence of such men as Charles Sumner, William H. Seward, William P. Fessenden, John P. Hale, Hamilton Fish, Hannibal Hamlin, Benjamin F. Wade, John J. Crittenden, Lyman Trumbull, Lewis Cass, Robert Toombs, Judah P. Benjamin, Stephen A. Douglas, and Samuel Houston. Harlan's credentials were presented by his colleague, Senator George W. Jones, who called attention to the protest of the Iowa Senate which had been received during the preceding session of Congress. Jones declared, however, that he was anxious to have Harlan's coöperation and therefore urged that he be sworn in and the question of his right to a seat be decided later.¹²⁸ As a matter of fact it was more than eight months before the subject was again mentioned in the Senate.

The new Senator from Iowa was placed on two committees, the Committee on Agriculture and the Committee on Manufactures, neither of which ranked very high at that time. He was

fifth and last on the Committee on Agriculture, but he "furnished it with the only item of business it ever transacted" while he remained a member. Harlan early endeavored to acquaint himself with the various governmental officials and their work. Among those whom he met was Lieutenant M. F. Maury, Superintendent of the Government Naval Observatory. It was Lieutenant Maury who made the suggestion which led to the establishment of the system of meteorological observations at sea, and Harlan became much interested in the success and practical value of that work. It occurred to him that similar government observations on land would be of immense service, especially to the farmers, and so, with the consent of the Committee on Agriculture, he prepared and presented an exhaustive report, together with a bill "To extend and encourage, for the benefit of agriculture, and other pursuits, the meteorological investigations of the National Observatory and Hydrographical Office." Although this first attempt at constructive statesmanship was not even permitted a hearing, its originator took not a little satisfaction, years afterward, in the consciousness that it became the basis of Weather Bureau legislation.¹²⁹

Aside from this report and bill, however, Senator Harlan took little part in the proceedings of the Senate during his first three months

in Washington. He spent his time largely in preparing for the great debates on the slavery question which he knew were bound to come, especially in connection with the situation in Kansas. He made a careful study of court decisions, and collected and collated a great deal of other material bearing upon the subject. Meanwhile he kept up his extensive correspondence with his constituents in Iowa and in February wrote a letter which was read at the State convention of the newly formed Republican party in Iowa and became the key-note of the platform adopted at that time. A little later in the same month he introduced a bill relative to the five per centum on the public lands in Iowa, and made a short speech in support of the bill.¹³⁰

The opportunity for which James Harlan had been preparing came when a "Bill to authorize the people of Kansas to form a constitution and State government preparatory to their admission into the Union" came up for consideration in the Senate sitting as a committee of the whole. On March 27, 1856, he gained the floor and spoke for two hours, compelling the attention and respect of both friends and foes. "I was greatly embarrassed; and trembled as if suffering with a fit of ague", he writes, in recalling his first important speech in the Senate. "I was just two hours in the delivery; and of

course had the sympathy of all the Republicans in the Senate. Mr. Charles Sumner manifested an interest that I could never forget. As I proceeded with my speech he walked slowly past me in the rear of the desk . . . and whispered 'You are doing well—moderate your voice'; and a little later—'You are succeeding admirably; we are all delighted.' And I need not say how grateful this unexpected encouragement was to my feelings."¹³¹

Harlan opened his speech by stating that he had always been opposed to agitating the slavery question, believing that its discussion was "useless, mischievous, and even dangerous to the perpetuity of the Union." But since the President had forced the question on Congress, that body could not now avoid a discussion of the subject "without a manifestation of great disrespect for the Chief Magistrate of the nation, and his friends and supporters." He then declared that there was abundant evidence to prove that perjury, usurpation, force, and fraud were being practiced in Kansas by the slavery element in the Territory, but more especially by the border ruffians from Missouri. With this introduction he plunged into the question of the power of Congress to exclude slavery from the Territories, and the desirability of exercising that power in Territories where slavery had not previously existed. Both ques-

tions he argued in the affirmative, supporting his arguments by historical facts and logical conclusions. He pointed out the fact that in the organization of nearly every Territorial government and in the admission of a large number of States thus far Congress had assumed the power in question, and he insisted that the Government of the United States had supreme power over all Territories until State governments were established. Furthermore, he contended that the exercise of that power in connection with Kansas was demanded by all considerations of justice, equality, and peaceful government.¹³²

At the close of his speech Senator Harlan was heartily congratulated by his Republican colleagues and by a number of Democrats, including "old Sam Houston" of Texas. And although the speech was only one among many made in Congress on the Kansas question, it apparently made a very favorable impression upon the Republican leaders throughout the country, since it, together with the speeches of Seward, Wilson, Hale, and Collamer, was published in pamphlet form by the Republican Association at Washington.¹³³ A correspondent of the *New York Tribune*, in describing the speech, said: "The anticipations of his friends were high, but I think his speech more than fulfilled them . . . it worthily engrossed

two hours, and was heard with unalloyed satisfaction by the friends of Free Kansas''.¹³⁴

The young Iowan now found himself in an arena worthy of his powers and in support of a cause which enlisted his fullest sympathies. It was not more than two weeks until he again took a prominent part in a debate in the Senate. On April 7th Lewis Cass presented a memorial "from the persons composing the self-styled Legislature of Kansas'', as he expressed it, praying for the admission of Kansas under the Topeka constitution. The memorial was referred to the Committee on Territories without debate, but when it was moved that the memorial be printed objection was raised and a debate ensued which continued for four days. The memorial was denounced by the pro-slavery members who declared that it was "an impudent forgery" and "an imposition disrespectful to the Senate''. Finally, a motion to rescind the order to print the memorial was adopted by a vote of thirty-two to three, and Senator Cass was granted leave to withdraw the troublesome document and return it to the source from which it had been received.¹³⁵

The three votes against the motion to rescind were cast by Senators Harlan, Seward, and Sumner. When the roll-call reached Harlan's name not a negative vote had been cast, and he voted "no" expecting to find him-

self alone. Surprised at what seemed to him the "complete demoralization" of his Republican associates and indignant at the virtual branding of the "Free State" people of Kansas as forgers and traitors, he defiantly recorded his negative vote. Much to his relief he was followed by Seward and Sumner, the latter afterward informing him that he had intended to withhold his vote, until he heard Harlan's negative.¹³⁶

On the following day, April 11, 1856, James H. Lane of Kansas, who was the bearer of the ill-fated memorial, came to Harlan and declared "that he was mortified beyond the power of words to express over the debate of the preceding day". He also stated that Horace Greeley, who was in the gallery when the vote was taken, "was fighting mad" and had said that "he was amazed at such stupidity on the part of Republican Senators; that Harlan, of Iowa, seemed to be about the only level headed man among them". Greeley also suggested to Lane that he get Harlan "to move a reconsideration of the question, so that the Republican Senators could put themselves right on the record".¹³⁷

Since Senator Harlan had voted in the negative he could not move a reconsideration. But he suggested to Mr. Lane that he draw up an individual petition, incorporating in it the re-

jected memorial. This advice was followed. On April 14th Harlan presented the reconstructed petition and in a long speech defended its right to consideration. The question was debated for over five hours and in the end the petition was laid on the table by a decisive vote. This time, however, the eleven Republican Senators voted in the negative, thus accomplishing the chief purpose for which the petition was re-introduced and restoring the party integrity.¹³⁸

The courageous part taken in the Kansas struggle by the new Senator from Iowa won Harlan a wide reputation, and he was flooded with correspondence and requests for copies of his speeches. Moreover, it was evident that the pro-slavery people had come to look upon him as a formidable antagonist. On the evening of April 23rd he was present at a dinner at the home of W. W. Corcoran, a prominent banker of the capital city and a man of strongly southern sympathies. The other guests were all pro-slavery in their sentiments, and it soon appeared to Harlan that he had been invited in the hope that he could be induced to recede from his uncompromising position.¹³⁹ The anti-slavery people of the east were equally impressed with Harlan's ability, for the *New York Times* declared that "Mr. Harlan, who has superceded the stolid incompetency of the

young Dodge has sprung into the position of an admitted leader. He is more than a match for the boldest and the strongest of those who have hastened forward to grapple with him. . . . In the ability to state a proposition so as to defy the ingenuity of cavers, and in the resolution and patient courage which receives and repels attacks with equal calmness, Mr. Harlan has no competitor.”¹⁴⁰

X

THE CONTEST IN THE SENATE

ALTHOUGH James Harlan had for several months occupied a seat in the Senate and taken a conspicuous part in debate, a protest from the Iowa Senate denying him a right to his seat was lying on the table and he was always conscious of the precariousness of his position in a body of hostile associates. It was not until August 13, 1856, however, that the subject came up for discussion. On that day Senator Jones moved that the resolutions of the Iowa Senate be taken up and referred to the Committee on the Judiciary. After some debate it was voted to take up the protest and it was made a special order for twelve o'clock on August 15th. But when the appointed time arrived Senator Robert M. T. Hunter of Virginia moved to postpone the special order and a spirited debate ensued, which was ended by a vote of twenty-seven to eighteen in favor of postponement.¹⁴¹

Three days later Congress adjourned. "This debate and this nearly unanimous vote of the democratic Senators", wrote Harlan, "seemed

to me to demonstrate the truth of my conjecture that the democratic leaders had determined, for political reasons, to defer the discussion and decision of my right to my seat until *after* the pending Presidential election.”¹⁴²

Soon after the adjournment of Congress and the short extra session which followed, Senator Harlan returned to his home at Mt. Pleasant. The presidential campaign of 1856 was then at its height and he found the people of Iowa aroused as they had never been before in a National contest. The Senator was eagerly welcomed by the Republican leaders in the State, and he made speeches in nearly all of the larger towns in southern Iowa, generally visiting two county-seats a day, an itinerary involving a daily drive of from fifty to sixty-five miles.¹⁴³ “No more slave States!” was the slogan everywhere, and the vote of Iowa, electing Fremont and Dayton presidential electors on a platform demanding the admission of Kansas as a free State, was an emphatic ratification of the position taken by Harlan in the debates in the Senate.

The convening of Congress on December 1, 1856, found Harlan in his seat at the first roll-call. On December 15th Senator Jones again moved that the Harlan credentials be taken up and referred to the Committee on the Judiciary.

Thereupon, Senator Harlan rose and thoroughly presented the facts in the case. He read all of the constitutional and statutory provisions relating to senatorial elections, together with the record of the joint convention which had elected him, and letters from a number of State officers all sustaining him. "In the event of an adverse decision," he declared in conclusion, "should the people of my State desire my presence here, I doubt not they will find means to return me; if otherwise, they will have no difficulty in selecting from her citizens an abler and a better man."¹⁴⁴ Though he could find among the members of the Committee on the Judiciary not one political friend, he declared that he would not oppose the reference of the subject to that committee.

After a long debate it was voted to refer the question to the Committee on the Judiciary, of which Andrew P. Butler of South Carolina was chairman. The committee did not make its report until January 5, 1857, and then there was a delay of one day in order that the majority and minority reports might be printed. On January 6th, after a further effort to postpone the consideration of the question, Senator Butler took the floor and stated at length the views of the majority of the committee, to the effect that James Harlan had not been legally elected. He based his conclusion on the state-

ment that the joint convention which elected Harlan was not legally constituted, since the Senate was not present as an official body, the whole argument hinging on technicalities.¹⁴⁵

Strange to say, the minority report, defending Harlan's right to a seat in the Senate, was presented by Senator Robert Toombs of Georgia, one of the most ardent pro-slavery advocates in the upper house of Congress. He vigorously denied the contention that the absence of the Iowa Senate from the joint convention as an official body invalidated the election of Harlan. He declared that the joint convention as constituted was "composed not of a minority, but of a majority, of all the persons upon whom this duty devolved by the Constitution of the United States and the law of Iowa", and in a logical manner answered the technical objections raised by Senator Butler.¹⁴⁶

Following the presentation of the two reports by Butler and Toombs there was a general debate on the question of Harlan's eligibility which continued almost without interruption until January 12th. Practically all the leaders in the Senate took part in the discussion and all the arguments in the case were threshed over and over. Among those upholding Harlan in his right to a seat were Senators William H. Seward, George E. Pugh, John P. Hale, William P. Fessenden, and Lyman Trumbull.

On the opposing side were Stephen A. Douglas, Isaac Toucey, Henry S. Geyer, James A. Bayard, Judah P. Benjamin, and others. The vote was finally taken on January 12th and Harlan's seat was declared vacant by a vote of twenty-eight to eighteen.¹⁴⁷

"To all impartial thinkers, as it seems to me," was James Harlan's comment later in life, "this objection to the legality of my election must appear to be merely technical and not substantial. Nevertheless I did not then, and do not now think that those who maintained that it constituted a substantial defect were dishonest. It is an illustration, however, of the psychological effect of strong desire on the human judgment."¹⁴⁸

Within an hour after the adverse decision was reached in the Senate, Harlan was on his way to the capital of his State, confidently anticipating a vindication at the hands of the legislature which was then in session. Immediately after his arrival the General Assembly by concurrent resolution agreed to meet on the afternoon of January 17th to elect a United States Senator to fill the vacancy which had been declared to exist. In the joint convention which followed, James Harlan found ample vindication in the vote of every Republican legislator, sixty-three in all and an overwhelming majority of the votes cast.¹⁴⁹ On the

evening of the same day the reëlected Senator was given a reception at the capitol building by the Republican members of the legislature.

A sleighride across the country sixty miles, with the mercury twenty degrees below zero, a brief visit with his family at Mt. Pleasant, and the Senator, now armed with authority which could not be disputed, returned to Washington to resume his duties. He reached the capital city on the 29th of January, and on the same day his credentials were presented by Lyman Trumbull of Illinois, the oath of office was once more administered to him, and he took his seat amid the congratulations of his colleagues.¹⁵⁰ Whether or not he had legally been entitled to his seat in the first place is a question which it is useless to discuss. There were strong arguments on both sides, and as a matter of fact the question had little effect on Harlan's career, since he was absent from his place in the Senate less than three weeks.

XI

THE LECOMPTON CONSTITUTION AND THE DEFICIENCY BILL

THE erection of a brick residence at Mt. Pleasant, the mailing of public documents to his constituents, and the writing of many letters occupied James Harlan's time during the spring and summer of 1857. During the fall he was drawn into the campaign which preceded the election of State officers, and he made a number of speeches in support of Ralph P. Lowe, the Republican candidate for Governor. A number of important political issues confronted the people of Iowa at this time. A new State Constitution was submitted to a popular vote in August and adopted by a small majority, and as a consequence certain readjustments were necessary in the governmental machinery. Moreover, upon the legislature at its next session would devolve the necessity of choosing a United States Senator to succeed George W. Jones, whose term was about to expire. The choice of members of the General Assembly, therefore, was of great importance.

Harlan was strongly urged to take sides in the discussion of the senatorial succession, but he deemed it unwise, if not improper, even to seem to dictate the selection of his future colleague. James W. Grimes, whose home was at Burlington, less than thirty miles from Mt. Pleasant, was the leading candidate, and many of Harlan's correspondents warned him that the election of Grimes would preclude the possibility of his own reelection, since that would be unduly favoring the southern part of the State. But Senator Harlan paid little attention to these warnings, since at that time the question of whether or not he remained in the Senate was a matter of indifference to him.¹⁵¹

The opening of Congress in December, 1857, found James Harlan in his place in the Senate, and he was soon deep in the controversy precipitated by President Buchanan's first message to Congress. The message was a great disappointment to Harlan. "It had been hoped that he would find some practical method of putting an end to the outrages and bloodshed being perpetrated in Kansas, consistent with justice, honor, and American ideas of civil government. Hence when that part of his first annual message to Congress was read, in which he recommended the admission of Kansas as a State in the union under what was known as the Lecompton Constitution, which would be a Con-

gressional endorsement of the infamous enactments of the fraudulent Legislature of that Territory, all hope of an amicable adjustment and settlement of these Kansas troubles vanished.”¹⁵²

In the long and acrimonious debate on the question of the admission of Kansas under the Lecompton Constitution Senator Harlan took a prominent part on only one occasion. On January 25th he made an extended speech which not only embodied a clear statement of his own views on the vexed question, but also pointed out the differences between the attitude of the Republicans and that of the Democrats and between that of the Northern and the Southern wings of the Democratic party.¹⁵³

“To follow the advice of the President and those who agree with him,” he declared after a few preliminary remarks, “will secure the organization of a slave State on free soil; to adopt the policy proposed by the Senator from Illinois, [Stephen A. Douglas] will exclude slavery from this domain as effectually as if Congress should re-enact ‘that neither slavery nor involuntary servitude shall ever exist north of 36° 30’ north latitude;’ for it is now known to us all, that an overwhelming majority of the people of Kansas are opposed to slavery; and there is no practical difference between excluding it *directly* by an act of Congress, and

excluding it indirectly by a submission of the question to the people, when we all know, when everybody knows, when the whole world knows, they would abolish it without ceremony."

Senator Harlan then proceeded to state the position of the two factions of the Democratic party. Both wings made strong professions of attachment to the principle laid down in the Kansas-Nebraska Act that the people of the Territory should be left to regulate their own affairs in their own way, subject only to the Constitution of the United States. President Buchanan and those who supported him insisted that the convention which drew up the Lecompton Constitution was legally constituted and, therefore, that the Constitution itself was a valid instrument. But, while he admitted, as a general principle, the right of the people to require the submission of the Constitution to a popular vote, the President denied the expediency of submission in this case, because it would be an infraction of the doctrine of non-intervention by Congress. "They claim", said Harlan, "that, to *require* the people to vote for or against their fundamental law, by an act of Congress, would be as distasteful to freemen as would be a denial of that right."

The northern wing of the Democracy under the leadership of Stephen A. Douglas, on the other hand, maintained that the Constitution

should be submitted to a vote of the people of Kansas. This right was not only guaranteed to the people by the Kansas-Nebraska Act, but had been pledged by the President of the United States, by Governor Walker of Kansas, and by members of Congress.

Having thus outlined the attitude of the two factions of the Democratic party, Senator Harlan stated the points wherein his own views and those of the Republican party differed from the arguments of Douglas and his followers in their opposition to the Lecompton fraud. He even went so far as to say that there were no legal reasons why the Constitution need be submitted to a popular vote. But even were this right granted it would be a very small privilege — a mere negative right of veto, comparable to that gained by the Plebeians in ancient Rome “when they acquired the right in the person of their tribunes, to sit at the feet of Senators, and write ‘veto’ on Roman laws.”

What the Republican party demanded, declared the Iowa Senator, was much more than this mere right of the people to veto a constitution which had been dictated to them. He maintained that the convention which framed the Lecompton Constitution was not a legitimate body, because the delegates had been elected through fraud and coercion and they did not represent a majority of the people of

Kansas. And further, he charged "that this criminal neglect was by *design*, and for the *purpose* of excluding a fair expression of the will of the people; and that the officers of this Government, including the President, with a full knowledge of all the facts, have openly participated in the consummation of this open and flagrant robbing of the people of their dearest rights as American citizens — the right to select their own rulers and to make their own laws; and that the acquiescence of the people has been coerced by the President by the use of Federal bayonets!" He demanded, not the right of the people of Kansas to vote upon their constitution, but their right to make that constitution through legally chosen representatives.

Continuing his speech, he declared that it was very evident that the southern Democracy had from the first determined to erect Kansas into a slave State. This was shown by the inordinate haste of the Democrats to establish two Territorial governments for a region in which, at the time the act was passed, there were not more than one hundred American citizens. Further evidence of this determination was to be found in the persistent policy of removing every Territorial officer who manifested any tendency to show the Free-State men "even-handed justice", including four Territorial Governors.

In conclusion, the Senator denied the claim of the South that "the title to slave property must be placed on the same footing with the title to other species of property." The only law, he declared, which recognized the right to hold human beings as property was the law of force. If the people of the South found themselves under "a necessity pressing on them to continue the institutions under which they have lived," he was willing that they should be permitted to regulate their own affairs in States where slavery already existed. But he denied them the right to force slavery into a Territory where it was in no sense a necessity and where a majority of the people were opposed to it.

This bold, straightforward speech of the Iowa Senator made a good impression in the Senate, and received favorable comment in many of the leading newspapers throughout the country. The *New York Tribune* pronounced it "a powerful speech on Slavery, highly logical and philosophical in its character."¹⁵⁴ The Republican press of Iowa was very profuse in its praise and there was scarcely a paper of any size which did not print the speech in full or make extended extracts from it. Harlan's course was exultingly compared by the Republicans with the stand taken by Senator Jones in support of the Lecompton Constitution much to the chagrin of many of his Democratic constitu-

ents.¹⁵⁵ Furthermore, Senator Harlan received scores of letters commending him for his speech. Among them was a letter from Alvin Saunders of Mt. Pleasant, who declared that Harlan had kept many Republicans in Iowa from going to Douglas. "Very many of our Northern friends," wrote Saunders, "even among Republicans, were disposed to fall in with Douglas believing that he was occupying the true Republican ground, when the truth is, as you have clearly shown, he is no more consistent than the other wing."¹⁵⁶

From January 25, 1858, until late in April, Senator Harlan took almost no part in the discussions on the floor of the Senate. He busied himself with committee work, chiefly that of the Committee on Public Lands, of which he was a member, and with attending to the interests of his constituents. On February 3rd he introduced a resolution instructing the Committee on the Judiciary "to inquire into the constitutionality and expediency of a law allowing the new States such increased representation in Congress as their present population would entitle them to under the apportionment of 1850."¹⁵⁷ The resolution was considered by unanimous consent and adopted, but for some unexplained reason the committee failed to report. Had the resolution been acted upon, Iowa's representation in the House of Repre-

sentatives would at that time have been increased from two to five members.

Six days later Harlan presented a memorial from the General Assembly of Iowa asking that the State be indemnified for expenses incurred in repelling the invasion of the Sioux Indians in March, 1857, which resulted in the Spirit Lake massacre, and that the volunteers in the Spirit Lake expedition be granted bounty lands.¹⁵⁸ After consideration in committee the appropriation asked for in the memorial was made. On February 10th he presented the credentials of James W. Grimes, who was to be his colleague after March 4, 1859, to succeed George W. Jones. Petitions from Iowa asking for additional mail routes, for the improvement of rivers, for land grants to aid in building railroads, for the repeal of the duty on sugar, and for various other objects, engaged the Senator's attention during the succeeding weeks. He also took a small part in the debate on the question of the admission of Minnesota into the Union.¹⁵⁹

On April 23rd Senator Harlan took the floor as the leader of the opposition to one phase of the Deficiency Bill. This was a bill to supply deficiencies in the appropriations for the governmental service for the year ending June 30, 1858, to the amount of nearly ten millions of dollars. Among the various items was one

appropriating two hundred and twenty thousand dollars to supply a deficiency in the appropriation for the survey of lands in California. Harlan charged that the Surveyor General, who had directed these surveys and had imposed this large debt upon the government, had done so without authority of law. He had supposed, he said, "that the officers of this Government were to be controlled by the amount of money appropriated by Congress in contracts made by them". Instead of being guided by this principle the Surveyor General had greatly exceeded the fifty thousand dollars which had been appropriated for carrying on his work, and now sought to justify his actions on the ground that the "liberal appropriations that had been made in previous years by Congress for the same services induced the belief that the same policy was to be continued."

Throughout the extended debate, which continued for practically two days, James Harlan persisted in his opposition to the policy of allowing government officials to exceed the amount of money appropriated for carrying on their work, except in cases where extreme necessity required such a course. Again and again he drew upon his own experience as a surveyor, to the confusion of his opponents, among whom was Senator Jones, who had no practical knowledge of the subject. In the end,

however, his amendment to strike out this particular item from the Deficiency Bill was voted down by a large majority and the appropriation was made.¹⁶⁰

The remainder of the session passed with little to break the routine activities of a comparatively silent member of the Senate. Silence on the floor, however, did not mean that the Senator was idle. Petitions and memorials from Iowa demanded much of his time. The bulk of business brought before the Committee on Public Lands was also large and there were problems of an intricate and technical character to be solved. On May 3rd, as a member of this committee, he made a report in favor of diverting for the establishment of an agricultural college five sections of land which had originally been granted to the State of Iowa for the erection of public buildings. On the same day also he made a report favoring the granting of the right of preëmption to certain Hungarian settlers in Iowa who were living on public lands which were about to be sold. A law embodying the recommendations of the second report was passed, and the suggestions relative to an agricultural college received favorable action in the Senate.¹⁶¹

Another instance in which James Harlan supported the interests of the people of Iowa under circumstances annoying to himself, occurred in

connection with the seating of a new Senator from Minnesota. On May 12th Senator Toombs moved that the oath of office be administered to Henry M. Rice, the Senator-elect. Harlan immediately arose and, evidently under embarrassment, referred to certain charges made by the settlers on the Fort Crawford Reservation in Iowa that they had been defrauded by Rice in the sale of their claims. Harlan merely stated the facts as they had been brought to him and asked that an investigation be made; but he was immediately assailed from all sides, especially by southern Senators, as perpetrating a flagrant outrage on Mr. Rice. This severe criticism of Harlan was only ended when Senator Jefferson Davis rose in his defense and in strong terms declared that if the Senator from Iowa had any information which would disqualify the Senator-elect from taking his seat, he had a right to present it, and, moreover, in so doing he was only performing his duty to his constituents.¹⁶²

XII

THE PACIFIC RAILROAD BILL IN 1859

THE adjournment of Congress about the middle of June, 1858, enabled Senator Harlan to return to Mt. Pleasant. But he was not permitted to remain long with his family, for, in common with the other Republican leaders, he was pressed into service in the State campaign then in progress. Urgent calls for political speeches came from all parts of the State. Letters written by Harlan to his wife during these summer months tell of the hardships of the campaign, with lack of transportation facilities other than private conveyances and with poor hotel accommodations, or none at all. This was a period of great activity in railroad building, and the question of State aid to these new and important enterprises was much discussed in Iowa during the campaign.¹⁶³

The second session of the Thirty-fifth Congress, which convened on December 6, 1858, was largely devoted to public measures of an economic and non-partisan nature, rather than to exciting political questions such as character-

ized the majority of the sessions of Congress during this critical period. "Personally", writes Harlan, "I participated in these miscellaneous discussions only when, in my opinion it became my duty as one of the representatives of my State to do so; and thus avoided the useless consumption of time. I devoted all my time when out of the Senate chamber, or in Committee, in the careful perusal of the official reports of the various Departments, the reports of Committees, in looking over the leading newspapers, and in my correspondence, chiefly with my fellow citizens in Iowa and members of my family."¹⁶⁴

Among the few subjects which Senator Harlan discussed at any length on the floor of the Senate during this session, and the most important one from the standpoint of the people of Iowa, was the Pacific Railroad Bill. This bill authorized the President of the United States "to contract for the transportation of the mails, troops, seamen, munitions of war, and all other Government service, by railroad, from the Missouri river to San Francisco, in the State of California." The proposition was not a new one, for it had been discussed in Congress at preceding sessions. So when Senator Harlan addressed the chair on January 6th, he was cognizant of all the arguments which had been advanced relative to the bill, pro and con.

Harlan assumed from the exhaustive discussion of the subject, covering several years, that there was a general conviction as to the practicability and necessity of a railroad from the Mississippi Valley to the Pacific coast. It was also generally conceded, he believed, that this work must be effected by private enterprise aided by the government. He therefore confined his remarks to "the propriety of the location of the general route of the road by Congress itself." The language of the bill, he said, was calculated to deceive, because it gave the impression that the selection of the route for the proposed railroad was conferred upon the President. A more careful reading, however, would reveal the fact that the important power of selecting the route was to be left to the contractor, after the contract had been "made, signed, sealed, and delivered; after the monopoly, if it should be a monopoly," had been secured. Therefore, no real discretion remained for the President.

Furthermore, Harlan believed that Congress alone should have the power of locating the road. The object to be secured was the rapid transportation of mails, troops, munitions of war, and supplies, in such a manner as to promote the general welfare and render the means of defense more efficient. Consequently, it seemed to him "not only appropriate that Con-

gress should locate the general route of the road, but that it requires the exercise of a discretion which the legislature of the nation cannot transfer to another." On Congress, not the President, nor any other officer of the government, had been conferred the power to establish post roads, to raise and support armies and a navy, to regulate commerce, and to provide for the common defense and the general welfare; and none of these powers could be delegated.

"If it were the enactment of a law merely," continued Senator Harlan in words which read like prophecy, "none, perhaps, would contend that Congress could transfer that discretion; but it is not only the enactment of a law establishing a national mail route, and military road, but the creation of iron ligaments, with which to bind together discordant States, and the establishment of a great avenue for travel and commerce across the continent, connecting the people of this country, by a direct line of railroad and ocean steamers, with the populous and wealthy Asiatic States, and the East India Islands, which, it is said, is to control the trade of this continent, of Europe, and of the world." He strongly objected to the conferring of a power of such vast consequences upon a mail contractor.

Congress should locate the general route of

the railroad for many reasons. In the first place, if a route were chosen before the contract was let it would secure fair competition among bidders. The contract might then be let to one company or the road might be divided into sections and given to separate companies to construct. Again Congress should act in order that the most direct route might be secured. If the choice were left to a contractor he might choose the most circuitous route, since that would be distinctly to his advantage, and there was nothing in the way of assurance that the contractor would not cease his operations when he had reached the mountains where railroad construction was more difficult and expensive than on the plains. Finally, Congress should locate the route because it was, or ought to be, the best qualified to make an enlightened and impartial choice. Harlan severely arraigned Senators who wished to shift the responsibility on the ground of lack of information, when the government had expended over a million dollars in surveying the proposed routes and in publishing elaborate reports.

In conclusion, Senator Harlan indicated the route which he preferred. There was little difference in the difficulties or expense of the three routes proposed. A railroad could be built on any one of them within the period of ten or twelve years. But he believed that

neither the extreme northern nor the extreme southern route could honestly be defended. He advocated a line between the thirty-seventh and forty-second degrees of north latitude, because such a line would be nearer the geographical center of the country, but especially because it would lead out from the centers of population and wealth. He therefore moved that the bill be so amended as to require the location of the road between the thirty-seventh and forty-second parallels.¹⁶⁵

A few days later Harlan again spoke in support of his amendment and proceeded to marshal the votes which could be counted on to favor the central route. The solid vote of the five States of the Old Northwest, of Minnesota, Iowa, and Missouri, and of New York and Pennsylvania, was assured—in all twenty votes. New England's votes, which he hoped to secure, would increase the number to thirty-two, and California would swell it to thirty-four—a clear majority in the Senate. He was positive in his declaration that unless some such amendment should be adopted, so as to locate the route near the center of the Republic, the bill could not be passed.¹⁶⁶

Although no final decision in regard to the location of the Pacific Railroad was reached at this session of Congress, it can not be doubted that Senator Harlan's clear and logical argu-

ments had much force in determining the attitude of many of his colleagues. That he was actuated by a desire to promote the general welfare of the country, rather than merely to please his own constituents, is indicated by the fact that the limits set in his amendment included nearly all of Missouri, while they included only the southern half of Iowa.

The agricultural college land grant, the Indian appropriation bill, the Mobile and Ohio Railroad bill, the contested election of a Senator from Indiana, a bill to establish a post route in the far West, and the post-office appropriation bill, were among the subjects which drew occasional remarks from Senator Harlan during the course of debate.¹⁶⁷ But of all these the bill which was watched with the greatest interest by the people of Iowa was the one granting a large amount of land to the various States to aid in the establishment of agricultural colleges. This bill, or others of a similar character, had been before Congress for several preceding sessions, and was destined to failure again this session, although in this instance it lacked only the approval of the President. But Harlan's remarks in support of this bill indicate not only his personal attitude on the subject, but also reveal his strong democratic principles.

On the first day of February, 1859, Harlan replied to Senator James M. Mason of Virginia,

who strongly opposed the measure. He was at a loss, he declared, to see in the pending proposition anything in the nature of a bribe to the States. It merely proposed that the States become trustees for the disposition of a few thousand acres of land. The bill did not coerce a State into acceptance of the trust. "If Virginia or Georgia concludes that it will not be for the advancement of the interests of the people of those States to accept this trust they can decline its acceptance; but other States of the Union, who are not so fearful of the consequences to flow from the establishment of educational institutions, and systems of common schools, as is the State of Virginia, may accept the trust, as it seems to me, without dishonor to themselves or danger to the people who are interested."

He conceded that there might be no specific provision in the Constitution authorizing this method of disposing of the public lands, but neither had there been for various similar grants in the past. "There may be those", rang out the closing words of his main speech, "who are not disposed to give the means for the development of the minds of the masses; . . . it may be that it is a blessing to Virginia that she is now more largely represented by adult white people who are unable to read and write, in proportion to her population, than

any other State of the Union; it is a blessing, however, that the people of my State do not covet. They prefer a different condition of things. They prefer that the mind of the laborer should be developed; that the intellect of the man who labors and sweats for his own bread should be more highly endowed, in order that that class of people may become their own representatives, even in the legislative halls of the nation."¹⁶⁸

An interesting side-light on the career of James Harlan during this session of Congress is furnished by statements which had begun to be circulated in Iowa to the effect that Senator Grimes and Senator Harlan were not friends. These statements, which were clearly made for the purpose of hindering Harlan's chances for reelection, were no doubt based in part on a letter by Henry Clay Dean which appeared in a Dubuque newspaper. "Grimes wants Harlan out of the way", declared Dean in this letter. "Harlan is moral, Grimes is unscrupulous. Harlan is not a smooth speaker but he is no mean debater.—Grimes never makes a speech until he has gotten it by heart, and most of his speeches are plagiarisms. . . . Grimes is a traveling illustrated definition of the word PERFIDY incarnate. . . . Harlan, on the other hand is revengeful and will make war openly on Grimes upon the first outbreak

against him. Grimes has some of the politicians, under his control. But Harlan has the whole Methodist church at his command in a contest and nearly the whole church are Republicans: If Harlan is not re-elected Senator, he will be made Bishop.”¹⁶⁹

The falsity of these statements, however, is amply proven by the correspondence which passed between the two Senators during this period. Their letters reveal nothing but the utmost good will and confidence, and especially is this true of the letters written by Grimes, who was usually stated to be the aggressor.¹⁷⁰ “You will see that Dean is almost as complimentary to you as he is to me,” was his good-natured comment on the Dean letter, “but you are to have the advantage of me in the end, for you are to be a ‘bishop’ when you quit politics and I suppose the d—l will get me in his opinion at any rate.”¹⁷¹

XIII

STATE POLITICS IN 1859

AFTER the adjournment of Congress in March, Senator Harlan hastened to Iowa to make preparations for active participation in the campaign of 1859. By this time he evidently desired reëlection and sought to make his endorsement emphatic. He vigorously championed the Republican cause in this campaign upon which hung many important issues, including the choice of a Governor. The Republican party controlled the State government, but by such a small margin as to render its position precarious.

Among the conditions which threatened to undermine the success of the party in Iowa at this time was the wave of Knownothingism. The German Republicans of the Mississippi River counties had become alarmed at the Massachusetts proposition extending the preliminary-residence period of foreign-born citizens. Consequently they addressed a letter to the Iowa Senators and Representatives, requesting them to define their position on the

efforts made in some quarters to discriminate between native and foreign-born citizens in the matter of suffrage. Harlan replied in a printed letter which answered the questions of the German Republicans in a manner so satisfactory that the threatened bolt was averted. He declared that he was opposed to any material change in the naturalization laws, and that he did not approve of any discrimination whatever against the rights of naturalized citizens.¹⁷²

The Republican State Convention was held at Des Moines on June 22nd, and the most effective speech of the convention was made by Senator Harlan on the subject: "The Democratic Party: Its Responsibility, its Practice and Policy, since the Inauguration of Franklin Pierce, March 4th, 1853." He indicted the Democratic party on seven counts, all of which were supported by a formidable array of facts and conclusions.

First, he declared, the Democratic party was responsible for the evils in the public affairs of the Nation, including the enactment of a slave code of laws for a free people and its enforcement in Kansas by federal bayonets. Second, that party had abandoned its long cherished principles and adopted a new platform with a single plank: the constitutional right of the slave-holder to emigrate with his slaves into the Territories. Third, the Democracy in the free States had surrendered the administration of

the government into the hands of southern men. Fourth, the increased expenses of the government under southern Democratic rule had been enormous and unnecessary. Fifth, the burden of this increased expenditure had fallen chiefly upon the North. Sixth, as measures of relief the Democratic party had nothing better to propose than increased taxation and the spread of slave territory by the occupation and forcible acquisition of Mexico and Central America. Seventh, in no essential principle or practice did the Douglas Democracy differ from the Buchanan Democracy.

The Senator's peroration was a powerful appeal to Republicans to defend the great truths for which their party stood. "God has raised it up," he verily believed, "to drive from the temples of liberty the money-changers, and the dealers in the bodies and souls of men, who have defiled its altars, to restore to the government the principles which controlled its administration by our fathers, to secure the perpetuity of civil liberty to coming generations, and to control the vast energies of this great Republic, which is acquiring, with gigantic strides, the power and influence among the nations once maintained by the Republic of Rome". The contest in Iowa was characterized as another great battle for Freedom against the united forces of the Buchanan and the Douglas Democ-

racy, "the first as leaders asking for office — the latter, as the rank and file, to perform the labor." Referring to the anticipated visit of Stephen A. Douglas to Iowa, he pictured the "Little Giant" sallying forth like another Diogenes, with his party thermometer in his hand, to ascertain the boundaries of freedom and slavery.

"When they tell you that the slavery question rests on laws higher than those of legislative enactment," appealed the Senator in conclusion, "remind them that you know of no law *higher* than the laws of nature and of nature's God by which slavery has been condemned from the earliest ages of civilization.— When they tell you that it is a question which 'self-interest' must control, inform them that your 'self interest' as tax payers, demands the exclusion of slavery from free territories, and the admission of free States into the confederacy. . . . and that your 'self respect' among the civilized and christian nations, as well as your 'self interest', requires the prompt removal of the Democratic Party from power, and the restoration of the government to the principles which controlled its administration by its founders. For the accomplishment of this result every Republican, and every freedom-loving Democrat in the nation will be held responsible by posterity."¹⁷³

It was the impassioned speech of a man deeply in earnest, to an audience equally earnest in its opposition to slavery. It opened the campaign with a vigor and directness of attack which compelled the respect of the Democrats as well as the admiration and praise of the Republicans. Not only was the speech commended and published by Republican newspapers in Iowa, but it was used as a campaign document by the party in other States.¹⁷⁴ Moreover, it practically settled all remaining questions as to the senatorial succession.

Throughout the campaign which followed, James Harlan labored faithfully in support of the Republican State ticket with Samuel J. Kirkwood at its head, and in the end had the satisfaction of seeing his party victorious at the polls. Meanwhile, the question of the senatorship had been widely discussed in the newspapers, for the next legislature would be called upon to select a successor to Senator Harlan, whose term would end on March 4, 1861. The Democrats apparently had small hope of electing a Governor or other State officers, and as a consequence they concentrated their energies upon the effort to secure a majority in the legislature and thus to secure a United States Senator. Previous to the election, therefore, the Republicans were not so much concerned as to the particular man who

should be their candidate for Senator as they were to defeat the plans of the Democrats.

After the election, when it was found that the Republicans had a large majority in the legislature, various men were spoken of for the senatorship. From the first it was evident that the great mass of the people desired the reelection of James Harlan; but he was constantly warned by his friends that various politicians throughout the State were looking toward his position with envious eyes. Timothy Davis, Thomas H. Benton, Jr., Fitz Henry Warren, John A. Kasson, and George G. Wright were among those whose names appeared as possible rivals to Harlan. But there was little ground for fear. None of these men made strenuous efforts to secure the position, and some of them clearly had no thought of entering the contest.

At the caucus of the Republican members of the legislature, held on the evening of January 12, 1860, James Harlan was unanimously nominated for reelection to the United States Senate. Two days later, in the joint convention of the two houses, Harlan received seventy-three votes, as opposed to fifty-two cast for his Democratic opponent, Augustus Caesar Dodge.¹⁷⁵ So popular was Harlan at this time that certain enthusiastic admirers sought to boom him for the vice-presidency.¹⁷⁶

XIV

THE HOMESTEAD BILL

PROBLEMS connected with the disposal of the public lands claimed the greater part of Senator Harlan's time and attention during the first session of the Thirty-sixth Congress, which convened in December, 1859. At the opening of the session he was given a place on three committees: Public Lands, Pensions, and Engrossed Bills. But later the work of the Committee on Public Lands became so burdensome that he asked and secured a release from service on the Committee on Pensions of which his colleague, James W. Grimes, was also a member.¹⁷⁷ The numerous petitions which came from the people of Iowa indicate clearly the trend of their desires and the needs of a growing frontier State. Mail routes, the right of preëmption for settlers on the Indian reservations and military reserves and for relatives of settlers who had been murdered in the Spirit Lake massacre, a general homestead law, pension and bounty lands for veterans of the War of 1812, and the repeal of the Fugitive Slave

Law were among the subjects upon which Congress was asked to legislate.¹⁷⁸

The first speech by Senator Harlan during this session was made on January 4, 1860, and was an argument against the position taken by the President, in his message, relative to the extension of slavery into the Territories. President Buchanan had declared that the right "of every citizen to take his property of any kind, including slaves, into the common Territories belonging equally to all the States of the Confederacy," was fully established, and that "neither Congress nor a Territorial Legislature nor any human power has any authority to annul or impair this vested right".

Harlan opened his attack on the President by declaring that "the two great political parties of the country may now begin to understand each other." Quoting the President's words, as voicing the attitude of the Democratic party, he reasoned that the inevitable corollary was that Congress must protect property in slaves in the same manner as other property taken to the Territories was protected. "The Republicans deny the premises," he continued, "and are not therefore bound by the conclusion." He held that the reasoning of the President was as applicable to the States as to the Territories, since there still remained in many of the States large areas of unsold public lands. If the intro-

duction of slaves into the Territories could be demanded by the slaveholders on the ground that the land in the Territories was the common possession of the whole Nation, they might with equal reason demand the admission of slaves into all the States containing public domain. Moreover, if the South were to be consistent in its demand for the protection of property in slaves it must also demand the repeal of the laws against slave-trading.

He maintained that the right of Congress to legislate for the Territories had been repeatedly recognized and must be generally conceded. It was therefore a question of what policy should prevail. "The policy of the Republican party", he said, "invites the Anglo-Saxon, the Celt, the Gaul, and others of Caucasian blood, by its proposed preëmption and homestead laws, to enter and occupy them; and by the exclusion of slavery it will practically exclude the negro and kindred races." The negroes either could not or would not emigrate to the Territories in large numbers of their own free will. Moreover, negroes were not needed to carry on the work of the fields, even in the southern Territories, as the slave-holders contended, for it had been amply proven by scientists that the white race was superior in powers of endurance to the negro.

"On the other hand," continued the Senator,

“the direct and immediate effect of continuing the policy of the Democratic party, as defined by the President in his message, and sustained by every Democratic member of the Senate and House, and the Democratic members of the Supreme Court, would be to fill the virgin Territories with negroes, wherever negro labor can be made profitable.” This had clearly been the purpose ever since the repeal of the Missouri Compromise. If the negroes were in every respect an inferior race, as the Democrats maintained, “why stimulate their multiplication and coerced emigration to the most desirable part of the continent, to the exclusion of millions of our own blood?”

Senator Harlan closed his speech by referring in scathing terms to the threat of the South to dissolve the Union in case a Republican should be elected President of the United States. “We must change, because you have changed! We must repudiate, because you have discarded the opinions of the fathers! When we approach the polls, we must represent your opinions and not our own, by our votes! That is, we must cease to be freemen, and become your political slaves! If your political opponents will destroy their platform and dissolve their organization; if the free States will destroy their constitutions and repeal their laws on the subject of slavery; if a majority of the

freemen of the country will stultify their own judgments, and trample under foot their consciences; give up freedom of speech and of the press, and cease to exercise the rights of freemen at the polls, you will graciously permit the Union to be continued! Well, sir, this mode of preserving the Union would cost us too much. We have the hearts and heads and hands and will to preserve it in a cheaper manner, let the crisis come when it may."¹⁷⁹

This speech met with hearty approval not only in Iowa, but throughout the country. It was printed in pamphlet form for use as a campaign document, and was translated into the German language for the benefit of the German voters of the country.¹⁸⁰

In March in the debate on a bill to amend the act of 1853 establishing a Court of Claims, Senator Harlan crossed swords with Senator Crittenden and offered an amendment which was gladly accepted.¹⁸¹ The naval appropriation bill brought from him some searching remarks a few weeks later.¹⁸² About the middle of April he took part in the debate on a bill for the benefit of the public schools of the District of Columbia. He held that the principles controlling legislation on this subject in the States were equally applicable in the District of Columbia. It would be cheaper to contribute something for the education of the children of

the District than to support those children in the poor-houses, hospitals, jails, and penitentiaries. To an amendment that the children of no person taxed under the provisions of the act should be debarred from the public schools, Mr. Harlan offered an amendment that "separate schools shall be provided for the education of the colored children of the District."¹⁸³

The subject on which the voice of James Harlan was heard most frequently and most effectively during this session, however, was the Homestead Bill. And, much as a majority of the people of Iowa were pleased at his firm stand against the extension of slavery, this was the subject which was of the most personal interest to them. The passage of a homestead law would mean increased prosperity throughout the West, where fertile farms were in abundance and only awaited the coming of the home-seeking settler to produce untold wealth.

The Homestead Bill, or rather several bills, had been before Congress almost from the beginning of the session. The whole question had been thrashed over carefully in the Committee on Public Lands by the time James Harlan first entered the debate in the Senate on April 3rd, and a compromise bill had been substituted for the original House and Senate bills. Throughout the remainder of the session until the bill failed to pass over the President's veto, Harlan

labored faithfully in support of the measure. The substitute bill was far from being the kind of a law he desired, but he gave it his hearty support because it was a step in the right direction and a more comprehensive homestead law could not be passed at that time. He made few set speeches on the subject, but throughout the long debate was always ready with accurate information to meet the points of the opposition, and showed his mastery of the problems involved.¹⁸⁴

The bill finally passed both houses and was submitted to President Buchanan, who vetoed it, as Harlan had anticipated, and returned it with a statement of his objections. In his reply to these objections on June 23, 1860, may be found a summary of Senator Harlan's attitude toward homestead legislation. In the first place, the law did not, as the President declared, give away public lands; because actual settlers were required to pay twenty-five cents an acre, and the original price of one dollar and twenty-five cents an acre was retained for all other purchasers. Moreover, it simply meant the abandonment of property which had been on the market so long that it had ceased to be of value to the general government. He denied the President's assertion that it was a discrimination against actual settlers already in the West, against old soldiers who had been given

bounty lands, against mechanics and other classes of citizens than farmers, or against the older States. The greater immigration to the West and the greater prosperity which would result from the proposed legislation would mean increased value for all the property already in the possession of the citizens of the region affected.

The statement that a homestead law would "open one vast field for speculation", Harlan dismissed as not worthy of notice. He thought the President's fear that the law would materially diminish the public revenue was unfounded. Experience with a similar law in Oregon Territory had proved that a very large per cent of the settlers bought their land at the regular price of one dollar and twenty-five cents an acre, before the expiration of the required period of occupancy, in order that they might sell and thus better their condition. The value of property would increase so rapidly, as the result of settlement, that settlers would feel it to their advantage to secure legal title at the earliest possible moment. Finally, to the objection that the bill would cut off a source of revenue in times of difficulty and danger, he replied that it was well known that in times of war or financial stringency the sale of public lands was reduced to a minimum and could not be depended upon as a source of revenue.¹⁸⁵

The bill lacked three votes in the Senate of passing over the President's veto, and its defeat is to be attributed not so much to objections to the bill itself as to the opposition of the South to any homestead legislation. The South rightly feared that such a law would result in greater population and increased power in the free States of the North and West.¹⁸⁶ In fact it was not until two years later, when a Republican President was in the White House, that the people of the West secured the measure they so much desired. But James Harlan's loyal support of the bill did not pass unnoticed or unremembered by his constituents in Iowa.

XV

OPPOSITION TO DISUNION

CONGRESS adjourned on June 25, 1860, and after a brief executive session of the Senate, James Harlan and his family, who had spent the winter in Washington, journeyed homeward by way of Lexington and Indianapolis. At Burlington, where they were delayed over the night of July 3rd, they were given a "reception" by the "Wide Awakes", as the Republican clubs were called in the campaign of 1860. "We reached our home in Mt. Pleasant, Iowa, the next day, July 4th, 1860, where we were warmly greeted by our neighbors; who, at once, commenced making arrangements for a public meeting", writes Harlan. The meeting was held on July 7th in the court house yard, where a large crowd of citizens from the town and surrounding country gathered to listen to a speech by their favorite. The Senator responded by a bold attack on the record and policies of the Democratic party.¹⁸⁷

This address to neighbors and friends was the beginning of a long series of speeches made by

Senator Harlan during the succeeding four months. Never before had the people of Iowa taken such a deep interest in a presidential election, and never before was there such need of sane, fair-minded, convincing stump speakers. Senator Harlan placed himself unreservedly at the disposal of his party and traveled throughout the State, speaking in his usual clear and logical manner on the questions of the hour. The difficulties of campaigning were by no means small even in 1860. For instance, in order to fill an engagement to speak at a great mass meeting held in Cedar Falls on September 6th, Harlan spent a night and much of the following day in journeying, first eastward into central Illinois, thence to Dubuque and westward to Waterloo, from which point he was taken by carriage six miles to his destination.¹⁸⁸ Throughout a part of the canvass he was feeling far from well. But in spite of all difficulties he endeavored to fulfill all his engagements, and even refused to cancel an appointment at the small town of Salem in order to speak at a great meeting at Des Moines which people journeyed long distances to attend.¹⁸⁹

During this campaign the Senator often found himself in situations which called for rare tact and ability to estimate the character of his audience. At Bloomfield on September 13th, he spoke to an audience of emigrants from

the border States of Maryland, Virginia, Kentucky, and Tennessee. They were much prejudiced against anything that savored of abolitionism and were suspicious of Republican doctrines. Consequently the speaker was careful to avoid anything that would tend to stir up and increase this prejudice, addressing himself in general terms "to the judgment and patriotism" of his hearers.¹⁹⁰

Two weeks later at Sidney, in the extreme southwest corner of Iowa, Harlan found a condition of affairs even more embarrassing. The people were strongly southern in sentiment, and in fact no Republican rally had ever been held in the county. "The Republicans desired to make a strong impression on the public mind; and had arranged to have a 'pole-raising', as it was called, in the morning, preceding the speaking. The opposition was equally anxious to defeat this effort; and during the night stole and concealed the ropes and pullies brought into the town during the preceding day, for use in raising the Republican pole and flag. The Republicans, however, by sending several miles into the country, procured other tackle, and with an improvised derrick, accomplished their purpose."

The next move of the opposition was to threaten to mob the speakers, including the Senator, if they persisted in defending Repub-

lican principles in Sidney. "I, however, quieted all apprehension of a disturbance", writes Harlan in describing this event, "by commencing my speech with a vigorous assault on any party which advocated principles that would not bear public discussion, and an earnest defense of 'freedom of speech and of the press', without which a free government could not exist. I had a very quiet and attentive audience."¹⁹¹

On the following day Harlan crossed over into the Territory of Nebraska and delivered a speech at Nebraska City, where he was proclaimed on large posters as "the friend of Free Territories and supporter of the Homestead Bill in the Senate of the United States." He afterward wrote, however, that he never learned the reason why he "was so required to spend two days of hard traveling over very bad roads from Sidney, Iowa, to Nebraska City, and back into Iowa, crossing the Missouri river in a ferry boat twice, and thence up north to Glenwood, in order to make a speech to a community that had no vote in the approaching election for Presidential Electors."¹⁹²

Such were some of the incidents and vicissitudes of Harlan's canvass during the memorable campaign of 1860. In November he had the satisfaction of seeing the Republican party victorious in both State and Nation, and of

knowing that he had contributed his full share in producing the result.

The opening of the second session of the Thirty-sixth Congress brought with it a clear and unmistakable note of the coming conflict. On December 4, 1860, Senator Thomas L. Clingman of North Carolina made the usual formal motion to print the President's message. Following this motion, he commended the patriotic tone of the message, but declared that it fell far short of stating the case then before the country. Abraham Lincoln had been elected "*because he was known to be a dangerous man.*" He avows the principle that is known as the 'irrepressible conflict.' He declares that it is the purpose of the North to make war upon my section until its social system has been destroyed, and for that he was taken up and elected." He defended the South in its preparations for resistance, and stated his belief that unless decided constitutional guarantees were promptly obtained it would "be best for all sections that a peaceable division of the public property should take place", and the slave States depart from the Union.¹⁹³

About a month later Senator Robert M. T. Hunter of Virginia introduced a resolution providing for the retrocession of the forts, arsenals, magazines, dock-yards and other public buildings of the United States to the

States in which they were situated, in case such States expressed a desire for retrocession.¹⁹⁴ In the ensuing debate Senator Harlan was one of the first to oppose this resolution. On January 11th he took the floor and spoke continuously for two hours and a half.

Harlan opened his speech with an avowal of his willingness to do anything in his power to allay the general commotion. What was its cause? He found it stated in a letter written by Senator Clay of Alabama in which he declared that "we cannot live under the same Government with these people [the Northerners], unless we could control it." In other words the "minority must govern the majority!" Here was the key to the situation, as was amply illustrated in the speech of Senator Hunter, proposing radical changes in the Constitution which would create a new confederation in which the minority would control. "Whatever may be pretended to the contrary," continued Harlan, "the real grievance inflicted on 'the South by the North,' is the invitation extended to the southern Democracy, on the 6th day of last November, to resign the reins of Government into the hands of their political opponents."

He held the contract theory upon which the secession argument was founded to be untenable, but even granting its validity the

Republican party had given the South no ground for complaint on that score. Nor did the Republicans differ materially from the southern Democrats in insisting that individual States should not pass laws in violation of the Federal Constitution. When the South demanded that they "ought not to be required to submit to the election of a sectional candidate to the Presidency" they were not logical. Insistence on this demand "would render ineligible every candidate for the Presidency at the recent election." Breckenridge and Bell had both received their support almost entirely in the South; while the North had given Douglas over four-fifths of the votes which he received. In fact, the returns exhibited less sectionalism in the support of Lincoln than of any other candidate.

When pressed closely, southern Senators had admitted that it was not the escape of a few slaves, nor the personal liberty laws, nor the election of Lincoln which justified the alarm in the South. It was rather "the public opinion behind these acts" that was causing the commotion. "It is demanded", Harlan said, "that the press, the pulpit, the legislator, and the elector, in the free States, shall be restrained from this discussion which results in this deep-seated opposition to your institutions." Indeed, Senator Douglas had introduced a bill to

that effect. No one must be permitted to speak disparagingly of slavery, for "here is an institution that is either too good or too bad to be talked about. . . . Here is the image set up in the plain, which all men must fall down and worship, on penalty of being cast into the fiery furnace. You have deprived your people in the slave States of freedom of speech and of the press on this subject; and you now demand that the people of the free States shall adopt your laws and usages, on pain of dissolution of the Union."

The demands of the South that the free States permit persons to hold slaves within their limits temporarily and for purposes of transit, and the demands for a recognition of the equality of the States were discussed and dismissed as no just grounds for secession. How would secession secure to the South the fulfilment of any or all of its demands, he asked.

All of these complaints were mere pretexts on the part of the South. "They are not the reasons", he declared, "of the bluster and threats and menace which resound through this Chamber. There is a reason, however, which justifies itself by every historical parallel. You have governed this country for the last sixty years. You have controlled its legislation; you have controlled its judiciary; you have controlled its internal policy; you have controlled

its foreign relations; you have grown haughty, proud, and — I say it without intending offense — insolent. Being accustomed to command, you have forgotten how to obey. Although you have been fairly beaten at the polls, you refuse to yield the Government into the hands of your constitutional successors.” The Senator closed his speech with a review of the history of the Democratic party, and with a statement of his belief that the North would never consent to peaceable secession.¹⁹⁵

A newspaper correspondent, who sat in the gallery of the Senate during the debate on the Hunter resolution, referred to Mr. Harlan as having been suffering from ill health since the beginning of the session, and as having refrained from participating in the debate until he could no longer suffer the sentiments of the great Northwest to remain unheard in the contest. “And most manfully were they defended”, wrote the correspondent. “Commencing without embarrassment, and proceeding with all the dignity which the discussion of such momentous questions should inspire, with a voice clear and distinct, he hurled back with most impressive power and eloquence the miserable and treasonable charges that have been coming from the southern members during the whole of this session. . . . For two hours and a half he held the attention of the Senate and the con-

course of people in the galleries, to one of the boldest and at the same time most logical, and rational speeches that has been made on the affairs of the country.”¹⁹⁶

Other Republican newspapers throughout Iowa and the entire North were enthusiastic in their praise of this speech, and many were the letters of hearty commendation which came to Senator Harlan.¹⁹⁷

The Nation was now drifting rapidly into civil war. On December 20, 1860, South Carolina had passed an Ordinance of Secession and before the end of January six other States followed her example. The feeling throughout the country was intense. Senator Harlan was daily in receipt of numerous letters from Iowa containing expressions of loyalty to the government and fidelity to the new administration. “I am decidedly in favor of the government repossessing itself of her arsenals & forts & other property in the quickest possible time — in the most determined manner and by the most war-like demonstrations if needs be”, wrote Ralph P. Lowe.¹⁹⁸ From Alvin Saunders at Mt. Pleasant came the statement that “I want peace, & I want the Union preserved but still I cannot see that the Republicans have any concessions to make, or anything to take back. . . . At least three fourths of the Democrats here are with us for sustaining the Union”.¹⁹⁹ At

Webster City a large meeting of citizens passed and sent to Senator Harlan a series of resolutions enthusiastically endorsing the stand he had taken in his speech of January 11th.²⁰⁰ With hundreds of letters and endorsements such as these the Senator could not mistake the spirit of his constituents.

From the 4th to the 27th of February Harlan, together with the other members of the Iowa delegation at Washington, represented his State in the "Peace Convention" which had been called by Virginia. Twenty-one States were represented in this convention, which adopted and recommended to Congress several proposed amendments to the Federal Constitution, in the nature of a compromise, intended to give Virginia no pretext for withdrawal from the Union. But the convention was in vain, for soon afterward Virginia and three other slave States joined the cotton States in secession. On the day on which the "Peace Convention" assembled the Confederate Government was organized.²⁰¹

On the day of Lincoln's inauguration an Iowa farmer, Coker F. Clarkson by name, wrote a letter to Senator Harlan which expresses clearly the attitude of the people of the Hawkeye State toward secession. Moreover, this letter marks the beginning of a friendship between the two men which remained unbroken through the

painful after years when families were divided on the question of the Harlan succession. "We are for no compromise with treasonable subjects", wrote Clarkson. "Let the authority and strength of the Government first be fully tested, no matter how great the sacrifice of blood and gold. If our Government be merely a rope of sand let us know it, and no longer laud it in 4th of July speeches. . . . Let no sacrifice of principle be made."²⁰²

XVI

THE BEGINNING OF THE WAR

THE country now awaited the inauguration of Abraham Lincoln and a definite announcement of his policy toward secession. It was becoming more and more evident that any plan of conciliation which meant further concessions to the slave power was destined to fail. The Republicans were in the ascendency in nearly all the northern States, and while they were anxious for peace, they were determined as a whole to stand firm on the principles laid down in the Chicago platform. Republican leaders, therefore, directed their efforts largely toward averting an open rupture until the new President could take the helm.

Meanwhile Lincoln was quietly formulating his plans and considering the men whom he would choose to make up his Cabinet. As the day of inauguration approached he spent much time in the capital city conferring with Senators, Representatives, and other prominent men. Among those whose advice he sought at this time was James Harlan, and this conference

marks the beginning of a strong personal and official friendship between the two men. "During afternoon of Saturday, March 2nd, 1861," writes Harlan, "I received a call from the President-elect of the United States, Abraham Lincoln." Previous to this time he had seen Lincoln only once, and consequently the attention paid him by the President was peculiarly flattering.

"Being notified by a page, at my desk in the Senate Chamber, that the President-elect was in the President's Room and desired to see me," continues Harlan, "I at once arose, walked to the room, tapped on the door, and was admitted. He received me cordially, and, after the usual civilities, gave me a seat, and seated himself near me, saying, in a familiar way, that he had sent for me to tell him whom to appoint for heads of the Departments of the Government. I, of course, treated this observation as a pleasantry, remarking that as I understood it that duty belonged to him; that I had not given the subject any consideration, that I expected to be satisfied with his selections, and that I had no names to suggest."

Lincoln then proceeded to name the men whom he had decided to nominate for the Cabinet positions, concluding with the statement that he was in doubt as to whether he should appoint Simon Cameron of Pennsylvania

as Secretary of War and Salmon P. Chase of Ohio as Secretary of the Treasury, or vice versa. It was on this point that he wished Harlan's advice. Harlan replied that he had not "the slightest doubt that Mr. Chase should go to the Treasury Department, and Mr. Cameron to the War Department", and he frankly stated his reasons for this advice. "He thanked me cordially for my frankness," writes Harlan, "and I took my leave. This interview lasted, probably about ten minutes. And I soon had reason to think, and still think, that my advice was effective in settling that question."²⁰³

Two days later the Iowa Senator witnessed the inauguration of the new President. The inaugural address left no doubt as to the policy which Lincoln would pursue. At the same time it was a distinctly conservative and statesman-like address — one which met with the approval of an overwhelming majority of the people of the North, Republicans and Douglas Democrats alike, because of its insistence on the preservation of the Union. In the South, however, it was accepted as a declaration of war, and preparations for the conflict were redoubled.

In the Senate on March 4th, John C. Breckenridge delivered his valedictory as presiding officer and handed the gavel to his successor, Vice President Hannibal Hamlin. The President's proclamation convening the Senate in

extra session was read, and there was a roll-call of the newly elected Senators, fifteen in all, including James Harlan whose second term began at this time. In the appointment of committees Harlan was made chairman of the Committee on Public Lands in recognition of his previous efficient service on that committee, and he was given second place on the comparatively unimportant Committee on Printing. The Senate remained in executive session for three weeks and on March 28th adjourned "without having made any declaration of policy in relation to the States that had proclaimed their severance from the Union; or any new policy in relation to slavery in the Territories. Nor did the Senate undertake to give advice to the President about affairs at Charleston Harbor."²⁰⁴

Senator Harlan now had his first real experience with office-seekers. For some time after the adjournment of the Senate he remained in Washington, feeling it to be his duty to see to it "that the Republicans of Iowa should receive their fair proportion of the numerous national positions of honor and trust then, for the first time, at the disposal of their party." The other members of the Iowa delegation had returned to their homes and so he was left alone to perform a service which, to use his own words, "was extremely irksome, both on account of the per-

plexing struggle of numerous Republican friends, with each other, for every available office, and the belief of each of them that I could settle the question of who should be honored in each case, in his favor, with a single word!" Moreover, in view of the desperate condition of National affairs "this pressure for office, seemed almost sacrilegious. But it was perfectly obvious that, in a large degree, the welfare of the Government demanded that the officials should be changed as rapidly as practicable. The number of disloyal incumbents in each of the Government Departments was frightful. And the querulousness of disappointed aspirants was simply dreadful."²⁰⁵

An instance of the embarrassments attendant upon the duty of securing official appointments is to be found in a letter which Harlan received from James F. Wilson of Fairfield, Iowa, who was at that time a State Senator. "I have just learned, to my mortification," wrote Wilson, "that Senators Grimes and Harlan have slaughtered the only applicant for office whose appointment was specially asked for by me. . . . I asked for nothing for myself. I was content with asking a poor, little \$600 position for a friend. I had a right to expect that my request would meet with some favor at your hands." This right he based on the fact that he had supported Harlan since 1854, and had,

he claimed, been the deciding factor in securing Harlan's nomination for the senatorship in 1855. He charged Harlan with filling offices with his own relatives and with granting special favors to his neighbors in Mt. Pleasant. "I see no excuse for your action", wrote Wilson in conclusion. "You have started on exactly the *wrong* road to give satisfaction to the party and thereby strengthen it. The quicker another road is taken the better for the party."²⁰⁶

Harlan replied with characteristic directness, declaring that he had not supposed that his acceptance of Mr. Wilson's support carried with it any special personal obligation. In the matter of appointments he had endeavored to serve the best interests of the country, and by this principle he would continue to be governed, no matter what were the consequences. "You must allow me to say in conclusion", he wrote, "that it would be very foolish for you and me to cultivate the spirit that pervades your letter. If I cannot get along pleasantly without friends, neither can you."²⁰⁷

Senator Harlan spent the greater part of the interim between sessions of Congress at his home in Mt. Pleasant, but not in rest and peace. Office-seekers swelled his mail to large proportions and came down upon him in swarms. To add to his anxieties the inevitableness of war and the burden of increased senatorial responsi-

bilities gave him keen solicitude. On April 12th the bombardment of Fort Sumter began and thirty-four hours later the flag was hauled down from its walls. The blow had been struck and the war had begun. The President's proclamation of April 15th left no further doubt in men's minds as to which horn of Douglas's three-horned dilemma had been accepted. The call to arms aroused the North and brought its loyal men to a full realization of the dread certainty of war. Congress was summoned to convene in extra session on July 4th "to consider and determine such measures as, in their wisdom, the public safety and interests may seem to demand."²⁰⁸

The proclamation of the President called for immediate action, and Congress was prompt to respond. The time for recrimination, explanation, appeal, and compromise was past. The flag had been fired upon, the representatives of the Carolinas and the Gulf States had withdrawn from Congress, and the States they represented had passed ordinances of secession. Nothing remained but to yield or fight, to put down the rebellion or let the southern States depart in peace. The proclamations issued by Lincoln had revealed the spirit and purpose of the President; the response of Congress left no doubt of the patriotism of the National legislature. The war measures enacted at the

special session of 1861 are well known, and they indicate that Congress comprehended, more clearly than did the masses, the seriousness of the struggle. In the enactment of these measures James Harlan bore his full share, not so much in speeches on the floor as in the more quiet work of the committees. He was ever an advocate of vigorous measures for the suppression of the rebellion.

After the adjournment of Congress early in August, 1861, Senator Harlan engaged in the organization of Iowa troops. To him more than to any other man belongs the credit of creating the Fourth Iowa Cavalry, which was organized in excess of Iowa's quota and was equipped and sent to the front by special order of the Secretary of War, in response to Harlan's personal request. In fact the first headquarters of the regiment near Mt. Pleasant was called "Camp Harlan" in his honor.²⁰⁹ Harlan had two special reasons for urging the organization of this cavalry regiment. In the first place, it was his belief that the North should recruit its cavalry largely from the frontier regions where good horsemanship was almost a necessity. In the second place, in view of the hard times and the fact that army supplies were largely purchased in the East, he was desirous that the people of Iowa should receive the benefit to be derived from the sale of cavalry horses.²¹⁰

XVII

THE LEGISLATION OF 1861-1862

THE second session of the Thirty-seventh Congress witnessed the passage of at least three important measures which the Republicans had for years been advocating, namely: the Homestead Bill, the bill granting land for the encouragement of Agricultural Colleges, and the Pacific Railroad Bill. This was the first regular session of Congress in which the Republicans had a majority in both houses, and in which they were not subject to the veto of a Democratic President. Consequently they seized the first opportunity to secure the enactment of Republican legislation, much of which, as will be noticed, was distinctly western in character. In the debates and committee work on the three bills already mentioned Senator Harlan was recognized as a leader, and he took a prominent part in the passage of many of the war measures and minor bills of the session. He retained the important position of chairman of the Committee on Public Lands and his membership on the Committee on Printing, and in addition was

made a member of the Committee on Indian Affairs.

Harlan's efforts in support of the Homestead Bill were put forth largely in the Committee on Public Lands. He took almost no part in the debate on the bill except to explain features of the bill not clearly understood and to report from time to time on behalf of his committee. But his interest in the subject is evinced by the fact that at the very beginning of the session he introduced a bill "to secure homesteads to actual settlers on the public domain". When, however, it appeared that a similar bill introduced in the House met with greater favor he was willing to have his own bill withdrawn from consideration. After several amendments the House bill passed and was signed by Lincoln.²¹¹

The Pacific Railroad Bill, on the other hand, enlisted Senator Harlan's active participation, both on the floor of the Senate and in the special committee of which he was a member. When the bill was introduced he endeavored to have it referred to the Committee on Public Lands, but without success. However, his position on the special committee appointed to consider the measure, enabled him to exercise the guidance over the bill which was needed in order to reconcile all of the conflicting interests. Although he was not chairman of the committee, full charge of the bill was accorded to him by his associates.

The discussion of the Pacific Railroad Bill took the form of a battle of amendments, many of which were clearly intended to secure special favors for particular localities. It was to make the road minister to the needs of the whole country that Harlan labored. To this end he advocated building the road along the Platte River and the placing of the eastern terminus near Fort Kearney or even on the Missouri River, instead of on the one hundredth meridian, as the bill provided. The route and terminus which he suggested would be central and consequently of equal advantage to all of the States affected. Besides, the farther east the eastern terminus was placed the less road the various lines already running westward would have to build to connect with it. To place the terminus, for instance, as had been proposed, near the mouth of the Kansas River would be a discrimination in favor of the railroad running through Missouri, and would seriously endanger the enormous investments of money in lines of railroad lying further to the north.

In order that all sections and all the railroads might secure equal advantages in the building of the new road, he favored the proposal for a number of branches, emanating from points in Kansas, Missouri, Iowa, and Minnesota, and converging at the terminus of the Pacific Rail-

road. "I think it would be wrong", he said, "for a great nation to invest fifty or more million dollars in an enterprise, and so invest that money as to necessarily depreciate hundreds of millions of capital already invested in similar enterprises, when by advancing the credit of the Government to a very small amount, this capital may not be depreciated, and when all these companies, and the gentlemen who are represented by these companies, and their money may be put on a platform of equality, and an equilibrium be secured." He called upon eastern as well as western Senators to support his views, on the ground that it was not a local question. It was chiefly a question of *convenience* to the people of Iowa, or Missouri, or Kansas; while the capital which had built the roads so vitally interested in the location of the Pacific Railroad came largely from the East.²¹²

While the bill as finally passed left the eastern terminus at some point on the one hundredth meridian to be designated by the President, it did embody the provision for branch connecting lines which Harlan had so ably championed. Furthermore, the Platte River route was the one stipulated. Thus, in the enactment of this measure which meant so much to the commerce and prosperity of the whole Nation, Senator Harlan played a creditable and influential part.

The third great measure which the Republicans, especially those from the West, had for several years been endeavoring to pass was a bill granting land for the encouragement of agricultural colleges. Bills were introduced in both houses during this session, but the one which was finally adopted was that introduced by Representative Justin S. Morrill of Vermont. From first to last Harlan gave this bill his hearty support. He defended it against the charge of unfairness made by Senator James H. Lane of Kansas on the ground that it discriminated against the newer States. He also pointed out the fact that liberal grants of land had been made for universities throughout the country. "The proceeds of the sale of those lands have usually gone to educate the children of professional men — men who are able to defray the expense of the education of their children away from home, in classical studies and in the learned professions. Here a proposition is made to make an appropriation of lands for the education of the children of the agriculturists of the nation, and it meets with strenuous opposition from a body of lawyers." He believed that if the proposition were submitted to a vote of the people not one fiftieth of them would vote against it.²¹³ In the end Harlan had the satisfaction of witnessing the passage of the bill by an overwhelming vote.

Alongside the discussion of these measures of far-reaching importance in the development of the West came the various problems growing out of the prosecution of the war. Among these problems was the attitude which the Government should take toward the negroes, and especially at this time toward those who were coming in large numbers to the Union lines. Senator Harlan was prominent among those members of Congress who advocated arming the negroes and employing them in the suppression of the rebellion.

Harlan first expressed his sentiments on the subject of allowing negroes to bear arms on January 15, 1862, in connection with a resolution to promote the efficiency of the troops in Kansas. He dissented from the views expressed by several Senators that negroes should not be employed in the Union armies, or at least not in bearing arms. "Why may not their bodies be made food for powder and lead", he asked, "as well as those of your sons and brothers? It may be said that their enlistment would be offensive to the people of the slave States. But why offensive to employ colored men to fight for the Union any more than for independence during the Revolution? We are now engaged in an actual war, and I repudiate that kind of wisdom which would compel the Government of the United States to

consult the wishes of our enemies as to the character of the force that is to be used to put them down." He did not, however, advocate arming the negroes indiscriminately. They should be mustered, organized, and disciplined in the same manner as white troops.²¹⁴

A few days later Harlan found another occasion to express his views on the subject. "I maintained that the Government had the right to the services of the slave man", he declared, in explanation of his previous remarks, "as much as to the son of the free man under twenty-one years of age, and if we sanction the policy of taking the children of free white people under the age of twenty-one years, and, regardless of the wishes of their fathers, placing them in the armies of the United States, you may take the slave of the slaveholder and place him in the service of the Government regardless of the wishes of the slaveholder. He can have no stronger title to the services of his slave than the father has to the services of his own minor son". This argument was meant to apply to the loyal slaveholders, for he maintained that rebel slaveholders had no rights in this connection which the Government was bound to consider. The policy of arming and employing natives had been adopted by England and all other nations which had been successful.²¹⁵

Late in June, together with several other Senators, Harlan called upon President Lincoln to interview him upon the question of the advisability of arming the negroes. Lincoln listened to what each interviewer had to say, and then replied that he did not see his way clear to follow their advice at that time. He feared that such a policy would result in driving into the Confederate ranks great numbers of Union men in the border States and in the South, and would harm the Union cause.²¹⁶

“I did not concur with him in opinion as to the magnitude of the danger he apprehended”, writes Harlan. Consequently he decided to discuss the whole question carefully in the Senate. On July 11th he delivered a speech, which, he declares, was intended as much for the President as for his associates in the Senate. It was an elaborate argument in favor not only of arming the negroes but also of emancipating them.²¹⁷ “Whether, or not, it had any influence on the President’s mind, is not for me to say,” was Harlan’s comment later in life, “for the reason that I do not know. But on the 22nd day of the following September he issued his preliminary proclamation of emancipation of the slaves of all people in rebellion against the Government of the United States to take effect January 1st, 1863, provided the rebels should not, in the meantime, lay down their arms.”²¹⁸

An error into which Senator Harlan, in common with many other statesmen, fell was in his condemnation of General Grant after the Battle of Shiloh. On May 9th a resolution was introduced calling for copies of all the official reports relating to the battles at Pittsburg Landing. In the debate on this resolution Senator John Sherman of Ohio defended the good name of the troops from his State engaged in the battle, and also sought to free Grant from the blame that was being heaped upon him.

Harlan was entirely willing that Senator Sherman should defend the Ohio troops. "But", he declared, "that part of his speech which may have been intended to bolster up the reputation of General Grant I think may have an injurious effect in the future, and hence I rise to repudiate every word he has said that may have that tendency. From all I can learn on the subject, I do not think General Grant is fit to command a great army in the field. Iowa had eleven regiments in the field at the battle of Pittsburg Landing I have seen many of them, have conversed with the officers and privates, and they believe that our army was surprised." In conclusion he declared that "with such a record, those who continue General Grant in active command will, in my opinion, carry on their skirts the blood of thousands of their slaughtered countrymen."²¹⁹

In the light of General Grant's later career and of accurate information, gathered later, concerning the Battle of Shiloh, Senator Harlan's bitter denunciation seems harsh and unjust. But it must be remembered that he voiced the attitude of an overwhelming majority of the people, especially of the West which furnished nearly all the Union troops in the battle. In Congress, Representative Elihu B. Washburne and Senator John Sherman alone were willing to defend Grant, and it was only Lincoln's persistent faith in his general which prevented him from yielding to the great pressure for Grant's removal.²²⁰

Two bills relative to the District of Columbia claimed a share of Harlan's time and attention. One was the bill for the emancipation of the slaves in the District, of which Harlan was, of course, heartily in favor. He ridiculed the idea that a war of extermination would result from such an act, as some Senators seemed to fear.²²¹ To a bill relating to the administration of criminal justice in the District he offered an amendment prohibiting imprisonment for debt, whether payable in money, in services, or otherwise.²²²

Presenting and looking after petitions from his constituents in Iowa, as usual, took much of Senator Harlan's time during this session. Among the things asked for was the establish-

ment of a national armory at Rock Island, Illinois. One of the petitions on this subject was signed by "J. B. Grinnell and one hundred and forty-four others, citizens of Grinnell, Iowa".²²³ From Davenport came "a petition of Hon. John F. Dillon, and six hundred and fifty others", asking for the abolition of slavery;²²⁴ and there were many other petitions of a similar character. The construction of a ship canal from Lake Michigan to the Mississippi River was another project which Congress was asked to encourage by appropriations.²²⁵

XVIII

THE YEARS OF GLOOM

It was just at the close of the second session of the Thirty-seventh Congress in July, 1862, that Samuel Freeman Miller of Iowa, the first member selected from the region west of the Mississippi River, received his appointment as a member of the Supreme Court of the United States. "I think he was indebted to me," writes Harlan, "more than to any one man living, for this great distinction. He frequently said to his intimate friends that if it had not been for me, he never would have been appointed. . . . It was a unique appointment. He had never before held any office, local, State, or national; and had not been in the active practice as a lawyer over twelve years."²²⁶

Senator Harlan, however, was well acquainted with Samuel F. Miller and knew him to be a staunch Republican and an able lawyer. Furthermore, in view of the three vacancies then existing in the Supreme Court, he felt that at least one appointment should be bestowed upon a man representing the region west of the

Mississippi River. Consequently he drew up a paper of recommendation to which he secured the signatures of nearly all his colleagues in the Senate. Armed with these recommendations and with a similar list from the House of Representatives, he called upon the President and urged Miller's appointment. Lincoln gave no definite answer at the time, but shortly afterward he communicated the desired appointment to the Senate, where it was promptly confirmed.²²⁷ The brilliant career of Samuel Freeman Miller on the Supreme Bench testifies to the wisdom of the choice.

The third session of the Thirty-seventh Congress which convened on the first day of December, 1862, was not a session of notable legislation. The war hung heavily on men's hearts and minds and Congress was more inclined to attend to laws of immediate necessity than to urge measures which looked to the future.

Thus it was that, although his activities during this session covered a wide range of subjects, Senator Harlan made no lengthy speeches. His thorough study of public questions and his gift of clear statement, however, enabled him to exercise a salutary influence in the enactment of many laws. The discussion of the bankrupt law brought from him an amendment the effect of which was to maintain the

validity of claims for personal services.²²⁸ In the course of the debate on a bill to establish a new Court of Claims he succeeded in eliminating certain disagreeable features.²²⁹ The subject of medical treatment in the army was one on which he possessed first-hand information through the experiences and observations of Mrs. Harlan in her ministrations to sick and wounded soldiers. He was able, therefore, to make suggestions which aided in increasing the efficiency of this branch of the service.²³⁰

Legislation concerning the Indians gave Harlan opportunity to state his policy relative to this vanishing race. He favored removing the Indians from regions where their presence was the cause of trouble both to themselves and to the whites. At the same time he advocated a liberal and honest Indian policy.²³¹

In the debate on the bill to suspend the writ of habeas corpus Senator Powell brought charges against the President for violation of the Constitution. Harlan insisted that it was not within the power of a Senator to arraign the President on such grounds.²³² The bills to fix the gauge of the Pacific Railroad and to amend the bill by which the road had been established again brought into play that detailed knowledge which had enabled Senator Harlan to be such a prominent factor in the drafting of the original bill.²³³

The correspondence of Senator Harlan during this period reflects the gloom brooding over the country and the dissatisfaction with the manner in which the war was being prosecuted, even among those who were most loyal in support of the Government. "I think we are much weaker than we were six months ago", came the pessimistic warning from Tipton, Iowa. "The causes of this decrease of strength could not all be named in one letter. The 'do nothing policy' of most of our commanders has had much to do with it. The Administration is held responsible for what *is* done as well as for what is *not* done and still it keeps in power those who love slavery better than they love the Union. . . . The President's remark, that 'military success was what the country needs' is true, and those successes must soon come or we shall have no country."

" 'The Knights of the Golden Circle' or the 'Home League,' or whatever their name may be *are* holding weekly meetings in this section," continued the writer, "and I suppose throughout the North. Just what their objects are I cannot say but that they are organizing for a resistance to the Government I fully believe. . . . Democratic papers are talking treason and Democrats in our streets are wishing that our forces may be defeated. . . . I may be mistaken, and I hope I am, but I believe that

nothing but *immediate* and *continued* success on the part of our armies can save us from an outbreak at the North, and I feel that the Administration should know it.”²³⁴

This long and earnest letter is only a fair sample of many others received from Iowa and all sections of the North, indicating clearly the general anxiety for the safety of the Nation. And it must be admitted that there was little to inspire confidence on the part of the people, when commanders proved incompetent, great armies were left inactive, and there was even lack of harmony in the President’s Cabinet.

The letters which poured into Senator Harlan’s office day after day also reveal the great pressure for appointments to positions, both civil and military. And not only were there requests and demands for positions, but often the Senator’s inability to secure the desired appointments met with ingratitude and resentment. “I thought I might rely on your attention to my interest,” wrote a disappointed office-seeker, “when I wrote last winter on the score of past friendship & sympathy, shown you when you were poor & out of place, at Iowa City, setting fence along with Mr. Crum & myself. . . . Now do you wish to alienate an old friend who has stood by you for years. Must I give you up & cast my influence against you, when by & by you will need it, or be cast

out of Congress?"²³⁵ Occasionally, when discourtesy reached the limit of endurance, the Senator replied in no uncertain terms. "I fancy anyone can when he chooses take care of his enemies", he told a complaining officeholder whom he had repeatedly recommended and defended. "But *disparagement* by a *friend* for whose advancement one has labored must be as you know extremely distasteful."²³⁶

A part of the summer of 1863 was spent by Harlan in Iowa, where he was drafted into service as a speaker in the political campaign. He then returned to Washington to plunge once more into the grinding labor of a long session of Congress.

The first bill of general interest to claim Senator Harlan's attention was the Conscription Act. He argued that the Government should compel a drafted man to go to war, or pay enough money to procure a substitute of equal ability to his own. He would not agree to permit a man to release himself from service simply by paying the hire of an inferior man. Consequently he opposed the proposition to allow white men to secure negroes as substitutes on terms of equality, for he insisted that the negro was not as good a soldier as the white man.²³⁷

A bill making a grant of land to the State of Iowa to aid in the construction of a railroad

from McGregor to some point on the Missouri River, and several other land grants for the benefit of western States demanded much careful investigation in the Committee on Public Lands and much explanation on the floor of the Senate. Page after page of the *Congressional Globe* is filled with tedious debate on technical points and on questions arising from the jealousy of individual and local interests.²³⁸ Harlan's conservative attitude toward these land grants is shown by the fact that his bill for the road west from McGregor "only allowed the Railroad Company coterminus sections of land to road actually built, thus compelling them to build one hundred and fifty miles or more of road before they could get any lands."²³⁹

The longest speech made by Senator Harlan during this session was on the proposed amendment to the Constitution abolishing slavery. The main part of his argument was his contention that title in slaves was not valid. In the first place, the method in which slavery originated disproved the legality of the owner's title. But granting that the slave-holder had the right to the services of his slaves, that did not give him the right to the services of the children of slaves after they had reached their majority. Even a father could not demand the services of a child after the period of minority. Neither did the color of the slave nor the

superiority of the white race form any justification for slavery. Furthermore, title in slaves could not be defended on the ground that the negroes were incapable of caring for themselves and needed guardianship. In States where there were free negroes they had demonstrated their ability to make their own living, and the capacity of the race for government was exhibited in the Liberian colony.

Since, therefore, there was no adequate justification for ownership in slaves "either in reason, natural justice, or the principles of the common law, or in any positive municipal or statute regulation of any State", was it desirable or expedient to perpetuate the institution of slavery? To prove that it was not desirable Senator Harlan proceeded to name the evils which slavery entailed. It abolished the conjugal and parental relations and the relation of person to property. It deprived the slaves of any status in court and of the right to "the common sympathies of the human race". It suppressed freedom of speech and the press, required the continued ignorance of its victims, and impoverished the country in which it existed.

On the other hand, there were a number of decided benefits which would result from the adoption of the proposed amendment to the Constitution. In the first place "the wealth and

prosperity of slaveholders would be augmented by a change of their system of labor from compulsory to voluntary." Then, the abolition of slavery would increase the military strength of the Nation, and at the same time it would secure the sympathy and support of the Nations of the Old World. In view of all these facts "the Senate of the United States ought not to hesitate to take the action necessary to enable the people of the States to terminate" forever the existence of slavery.²⁴⁰

While James Harlan was firm in his advocacy of the abolition of slavery his freedom from radicalism in his attitude toward the negro is seen in his remarks on another bill during this session. This was a bill to amend the charter of the city of Washington in respect to elections so as to require the registration of voters. Harlan declared that he would vote for an amendment to the bill limiting the suffrage to white male citizens, because he was convinced that the bill would not otherwise be passed at that time, and its passage was very necessary. Furthermore, he argued that the right to vote was not a natural right, that it was denied white women and minors, and therefore it was not unjust to exclude negroes. "No one can deny, I think," he said in conclusion, "that a very large proportion of the people in some of the States who have been held as slaves for a cen-

tury or more could not be safely trusted with the enjoyment of this right. I think that this cannot be doubted; and if not, we ought not to insist on the incorporation of such a provision in an amendment to the election laws for this District, where there are strong prejudices against the modification of the election laws in this respect''.²⁴¹

The Pacific Railroad bill again came up for amendment and, as in previous sessions, Harlan took a prominent part.²⁴² The bill to establish a Freedmen's Bureau and various other bills of minor importance enlisted his attention during the anxious months of 1864. The Senate adjourned on July 4th and the presiding officer expressed the hope that before they assembled again the clouds which had lowered over the Nation might be lifted — a hope nearer fulfillment than many dared dream.

Senator Harlan's influence with President Lincoln seems by this time to have been quite generally recognized, for the Senator received numerous letters urging him to call upon Lincoln, not only in support of office-seekers, but also for the purpose of giving the President counsel and advice on various subjects.²⁴³ While he was a firm friend and admirer of Lincoln, Harlan was, nevertheless, not blind to the President's shortcomings. "I wish he could be induced to be more careful in his appoint-

ments", Harlan wrote confidentially to William Penn Clarke in April, 1864. "It is a terrible shame that his real friends — the friends of the vital elements that brought him into power, have to fight the influence of his administration, and the pro-slavery element combined, or jointly."²⁴⁴

The presidential campaign of 1864 found Senator Harlan entrusted with the affairs of the Republican Congressional Committee, with headquarters at Washington. From references made in newspaper correspondence it is evident that under his vigorous management large quantities of printed matter found their way to all parts of the North.²⁴⁵

A resolution, introduced by himself, instructing the Committee on the District of Columbia to inquire into the expediency of requiring all residents of the District to take an oath of allegiance to the Government was the first subject on which Harlan made any extended remarks during the second session of the Thirty-eighth Congress. The resolution also contemplated prohibiting all persons who failed to take the oath from doing business within the District. In response to objections that such a measure would be an unwarrantable act of oppression, Harlan argued that the proposition was not an unusual one and that it was not a reflection upon the people of the District.

Citizens everywhere submit voluntarily to a search, he declared, in order that a thief may be tracked down and stolen goods recovered, but such a search does not implicate the great mass of the people in the robbery. The law required members of Congress to take the oath of allegiance, not because any considerable number of them were supposed to lack fidelity, but because a few might present themselves who were unworthy of the trust. On this same principle the law might very well be extended to cover all the citizens of the District. "We all know", he said, "that there are people living in this District who are not only in sympathy with the rebellion, but who embrace every available opportunity to aid the rebels in arms against their Government". Therefore, he believed that the loyal people of the District "would thank Congress for the adoption of any measure calculated to drive from their midst aiders and abettors of the rebellion."²⁴⁶ The resolution was adopted, but no act on the subject seems to have been passed.

A resolution advising retaliation for the cruel treatment of prisoners by rebels by means of a refusal to make any further exchanges of prisoners gave Senator Harlan an opportunity to express his views as to the vigorous measures needed to bring the war to a close. "Some three years ago", he said, "I wrote a letter,

and presented it to other Senators for their signatures, requesting the President to exchange prisoners with the rebels. I then believed that it was politic. Our condition has changed vastly since that time. The rebels are no longer able to meet us in the open field. Their armed soldiers fight us now almost exclusively behind their works and in strong fortifications. Military men tell us that it requires at least four men outside to take one inside a fort." Therefore, it would require four Union soldiers to recapture or overcome each Confederate who was exchanged and returned to the rebel ranks. He maintained, in the face of charges of cruelty, that it would be more humane to allow northern men to remain a little longer in southern prisons than to expose four times their number to the perils of storming Confederate strongholds.

Furthermore, he pointed out the fact that the Confederates invariably exchanged men whose terms of service had expired or who were so weakened by cruel treatment as to be unfit for military service. In view of this condition he favored a cessation of the exchange of prisoners, and he would treat rebel prisoners not cruelly or in a revengeful spirit, but in such a manner as to force the Confederate authorities to observe the rules of civilized warfare. This policy might be objected to as inhuman and retaliatory, but the very nature of war was re-

taliatory, and in the present instance it seemed the only method of securing fair treatment for Union men in the hands of the rebels.²⁴⁷

In the discussion of an amendment to the enrollment or conscription acts Harlan was one of a very few Senators who favored requiring every man who secured a substitute and release from service to pay a sum of money proportionate to his means, according to a fixed sliding scale. It was the man that was wanted and not the money, and therefore it should be made equally inconvenient for men, whether rich or poor, to evade service in the army when drafted.²⁴⁸

A further insight into Harlan's view on Indian policy may be found in the debate on various bills during this session. In January, in discussing the recent massacre of some Cheyenne Indians, the Senator protested vigorously against what seemed to him a change in the policy of the Government from one of paternal kindness to one of deliberate extermination.²⁴⁹ Later he advocated consolidating the Indian tribes and placing them together on lands where they could prosper and at the same time be protected against unscrupulous white traders. This removal should be effected, however, not by force, but by treating the Indians as being with rights and volition of their own, and by showing them that it would be to their

interests to remove. Unless some such policy was adopted he could see no means of saving from extinction this race of people which was "wasting away rapidly now like the snows before a morning's sun".²⁵⁰

At this stage in his career, when his activities were soon to be transferred for a short time to another arena, it is interesting to note Harlan's estimate of his own accomplishments as a Senator. In response to a request from L. D. Ingersoll, one of Iowa's war correspondents and historians, he hurriedly wrote:

I cannot think I have effected much worth recording. I suppose, however, that I have had more influence in the Senate and on the public mind in securing the freedom of the Territories than on any other subject. I have discussed the subject in all its bearings more thoroughly than any other Senator or Member in Congress. There is no phase of the question which I have not examined and presented somewhat elaborately — the effects of Slavery on morals, social intercourse, on the Military and financial strength of the country, on the development of intellect, literature, arts, commerce. The question of its alleged necessity in certain latitudes — capacity of white men to endure tropical heats. The consequences of the liberation of the slave to himself and society — what is to be done with him as a free man &c. including the question of suffrage.

I have also labored on the subject of Gov. Bounty to Railroad enterprises — did perhaps more than any

other one person in licking into shape the Pacific Railroad Bills.

Have brought to the attention of the country the enormous frauds and injuries inflicted on the Indian tribes &c.

Have been one of the leading advocates of every prudent measure calculated to develop agricultural interests, &c.²⁵¹

A study of the *Congressional Globe* from 1855 to 1865 must convince the impartial student that Senator Harlan's somewhat self-complacent memorandum, prepared at the solicitation of a friend, is fully substantiated by the record.

XIX

SECRETARY OF THE INTERIOR

THE resignation of William Pitt Fessenden as Secretary of the Treasury, long foreseen by President Lincoln, led to the selection of Hugh McCulloch of Indiana as his successor. This change in the Cabinet was followed by the resignation of John P. Usher of Indiana, presumably at the suggestion of the President, from the Secretaryship of the Interior. Lincoln promptly appointed James Harlan to fill the vacancy thus occasioned and the Senate as promptly confirmed the nomination, both appointment and confirmation occurring on March 9, 1865.²⁵²

That James Harlan had long and seriously considered the probability of a call from President Lincoln to serve in his Cabinet is evident from a letter written early in January to James Wright, then Secretary of State in Iowa. "If Governor Grimes desires the position of Secretary of the Navy," Harlan writes, "I would rejoice to see him in that position — but not otherwise. If the position of Secretary of the

Interior should be formally tendered to me by the President, I would then consider seriously the question of my duty in the premises. If I should conclude that I would be more useful to my country in that position, than in the one I now hold, I would resign the latter and accept the former; but I would not, I think, permit personal considerations to influence me in the least.”²⁵³

Not only was the possibility of an appointment to the Department of the Interior considered in advance by Senator Harlan, but it was quite generally known and discussed at Washington and in Iowa. As early as December 22, 1864, the *Ottumwa Courier* referred to the report that Harlan was to be transferred from the Senate to the Cabinet. The editor declared that “nothing could be more gratifying to the friends of the Administration in Iowa, as it would be complimentary to the State, well deserved, and would be appreciated.” A few weeks later a Washington correspondent to the same newspaper stated that it was a foregone conclusion in Washington that the position would be tendered to Harlan. While he admitted Harlan’s eminent fitness for the office, he felt that the country would greatly deplore the loss of his services in the Senate “until the flag of our country waves in triumph over every foot of our territory, and the last human fetter

be fallen, and the crack of the slave whip be no more heard in the land''.²⁵⁴

The letters which Harlan received from Iowa during the early months of 1865 breathe a spirit of mingled congratulation and regret. "I was gratified only on the supposition that such a change was grateful to you", wrote a Des Moines editor early in February.²⁵⁵ "I sincerely hope this is not so", wrote J. H. Powers from New Hampton a few weeks later in referring to the rumor of the appointment. "Not that I object to your receiving the honor but that your vacancy will open a door to scheming politicians that are entirely unworthy of the position so long and so honorably held by you. We have been working hard, in our humble way, for a year for your return and have kept much of the dirt out of our part of the State that has so disgraced our politicks the last year or two, and if you leave us where shall we rally?"²⁵⁶

"I would much prefer to remain the residue of my term of two years in the Senate," wrote Harlan in reply to Powers, "than to serve in the Cabinet. Nothing but a sense of public duty would induce me to change. There is however a pressing necessity for a renovation in the Interior Department which may possibly control my decision, contrary to my own personal wishes."²⁵⁷

After the appointment had been made and had become generally known, the flood of congratulations greatly increased. And still there was discernible a touch of regret in nearly all the letters which came from Iowa. Harlan's constituents seemed entirely satisfied with the record he had made as Senator and had come to regard him as their special representative.²⁵⁸ A perusal of the Senator's voluminous correspondence during these months would seem to settle forever any question as to the disinterested motives which prompted Harlan to respond to President Lincoln's call. Clearly, he had no need to fear defeat for reelection to the Senate, for from the time he had first entered Congress he had never swayed from the line of duty and self-respect, and at no time thus far was his position actually endangered by the schemes of those who would supplant him.

Even after his appointment had been confirmed, however, Senator Harlan seems to have had considerable hesitancy. "I now intend to accept the office of Secretary of the Interior," he wrote to James F. Wilson late in March, "if I find I can get the pack of thieves now preying on the Govt. under its auspices out of power, otherwise I will not. I do not deem it my duty to lend my name to plaster over their corruptions. The prospect of effecting this is not very good, for it happens that some of the

worst of these people have the President's confidence."²⁵⁹

During the years of the war the friendship between Lincoln and Harlan apparently deepened, in spite of the fact that the Senator was often a severe critic of the President's actions, for on public occasions Harlan was nearly always to be found in the presidential party. At the second inaugural on March 4, 1865, Senator Harlan was chosen as an escort for Mrs. Lincoln, and Miss Mary Harlan was among the distinguished group surrounding President and Mrs. Lincoln at the inaugural ball. "Because Captain Robert Lincoln escorted Miss Harlan," wrote a reporter, "it was supposed that Senator Harlan is to go into the Cabinet."²⁶⁰

Senator Harlan was also intimately connected with the President on the occasion of his last public utterance. It was on the evening of the 11th of April, three days before the assassination. The President had informally announced that on that evening he would speak from the White House, and would state his views on Reconstruction. Several histories and biographies refer to this speech as delivered to a party of callers at the White House; but, in fact, it was delivered before a large audience gathered in the mist and rain in front of the Executive Mansion. The writer, then a youth, has a vivid

recollection of the event—the gloom of the night, the funereal aspect of the umbrella-canopied throng, the forced hilarity of many during the long wait for the President's appearing, and the enthusiasm with which the audience followed the argument.

When the President had ceased speaking there were calls for Senator Sumner, but he was not present. Then Harlan was loudly called for. The Iowa Senator soon appeared at the window and was introduced by the President as one who was soon to share with him the responsibilities of administration. He made a short speech in which he stated that two principles had been settled by the war then nearing its close, namely, that the American people had decided that a majority of the voters of the Republic should control its destinies, and that no part of the Republic should ever be permitted to secede.

It would be needless in this connection to recount the sadly familiar story of the event of April 14, 1865, a tragedy which bowed the people of the Nation—South as well as North—under a common burden of sorrow. To James Harlan the assassination of President Lincoln was a blow from which entire recovery was impossible. Long years afterward the writer asked the Senator to contribute for a magazine his impressions of Abraham Lincoln and the

story of his intimate relations with the President. He shook his head sadly and replied: "Not now — possibly later; but, remember, I make no promise. I fear I cannot trust myself to write on a subject so close to my heart."

Senator Harlan's intimate personal friendship with Lincoln was recognized by his associates when he was chosen a member of a Congressional committee to escort the remains of the dead President to Springfield, Illinois. A few weeks later he presided over a meeting of citizens held at the National Hotel in Washington for the purpose of inaugurating a movement toward the erection of a monument to President Lincoln. An organization known as the "Lincoln Monument Association" was formed and James Harlan was chosen president.²⁶¹

In the absence of any explicit declaration on the subject it is quite evident that the death of President Lincoln, with the grave uncertainty as to the nature and trend of the new administration, practically settled any remaining question in Harlan's mind as to his duty in regard to the secretaryship. "A terrible change has occurred," wrote Samuel R. Curtis, who earlier had opposed an acceptance of the Cabinet position, "and it may be important in the current of events, that you should not refuse any place to which you may be assigned. My way has

always been, to follow the way opened to me by Providence; and you should act in reference to what seems to be your destiny.”²⁶² This letter, together with others of a similar character, doubtless confirmed the Senator’s conviction that he could best serve his country in this emergency by accepting the appointment, inasmuch as President Johnson had expressed his desire that Harlan serve.²⁶³

On May 15, 1865, therefore, James Harlan assumed the duties of his new office. “The change in the Interior Department took place at noon to-day,” ran the Washington correspondence in a New York newspaper, “Judge Usher retiring and Mr. Harlan taking charge. The heads of bureaus and clerks assembled at the Secretary’s office, and Judge Otto, on their behalf, presented to the retiring Secretary a farewell letter which was briefly and appropriately responded to by him. Subsequently they were introduced to the new Secretary, who greeted them kindly and cordially.”²⁶⁴

Before he had been in the Cabinet many months Harlan found himself called upon to defend President Johnson’s reconstruction policy. Negro suffrage was one of the important issues in Iowa in the campaign of 1865. The Republicans in their platform favored allowing negroes to vote, while the Democrats radically opposed it and at the same time

endorsed Johnson's administration, thereby assuming that the executive policy was antagonistic to negro suffrage. Secretary Harlan believed that this state of affairs demanded a clear statement of the President's position. Consequently he wrote a letter to George B. Edwards which was published in the newspapers and which was accepted as a semi-official announcement of the Administration's policy.

"The real question at issue, in a national point of view," wrote Harlan, "is not whether negroes shall be permitted to vote, but whether they shall derive that authority from the National Government, or from the State Governments respectively." President Johnson maintained that the Federal Government had no right to interfere with the question of suffrage in the States, except in determining the right of Senators and Representatives to their seats in Congress and in guaranteeing to every State a republican form of government. "That the State of Iowa may take steps to extend the right of suffrage, is not, as it seems to me, in conflict with this policy," he concluded, "and, consequently, those who support the policy of the President on this subject, are not in antagonism with the platform of the Union party of Iowa."²⁶⁵

Late in September Secretary Harlan made a

brief visit at Mt. Pleasant and there took another occasion, in a public speech, to set forth the reconstruction policy of the President. It is noticeable, however, that his words at this time lack the clear, defiant ring so characteristic of his speeches in the Senate. His tone was mildly explanatory, and his appeal was rather for patience with the President in dealing with an entirely new and unprecedented situation than an open advocacy of any definite policy.²⁶⁶

The one official report of Secretary Harlan is not unlike other departmental reports, although occasionally the individuality of its author crops out, in spite of the evident purpose to keep within the traditional range of departmental activities. Among the diversified and important public problems claiming the Secretary's attention the first and foremost was the public land question. After summarizing the statistics of lands already disposed of, he recommended further preëmption legislation "to remove ambiguity and secure harmony in the enforcement of this beneficent policy in all the land States and Territories."

Reverting with satisfaction to the Homestead Law, which he had been so largely instrumental in framing and pushing to final passage, the Secretary believed that in the enactment of this law Congress was influenced "by the conviction

that the settlement and cultivation of the public lands were objects of greater importance to the nation than the increased revenue that might be derived from their sale". In a paragraph inviting Congress to establish a Bureau of Mining he struck the key-note of forest conservation to which the public and the Government afterwards responded. "All lands denominated mineral," recommended Secretary Harlan, "which do not bear the precious metals, should be brought into market, and thus placed under the guardianship of private owners. In no other mode, it is believed, can the great forests of timber, the growth of centuries, and of vast value to the nation, be effectually preserved from waste." He deplored the existing unregulated condition of the great natural resources of the Nation.

Passing from the land question, the report strongly presented the necessity of increased pension appropriations. "Without regard to the amount they involve," the Secretary declared, "our engagements to our gallant army and navy must be performed with scrupulous fidelity. Their sacrifices for an imperiled country have been blessed in the preservation of its unity, the maintenance of the just authority of the national government, and the vindication of the principles of civil liberty, which the fathers of the republic bequeathed to their children."

Indian affairs also demanded consideration at this time. The perfidious violation of treaties by certain Indian tribes on the borders and the retribution which their unprovoked war, in alliance with the rebels, had brought upon their heads, required necessary adjustments in the Indian policy of the Government. Secretary Harlan deplored the policy of total destruction which was openly advocated by "gentlemen of high position, intelligence, and personal character". Such a policy could receive no sanction in a civilized country, and, moreover, the expense of carrying out such a policy would make it impracticable. He therefore recommended that stringent laws be enacted to prevent the violation of the rights of peaceful tribes, and urged that the Indians be encouraged by every possible means to adopt agricultural pursuits.

In discussing the needs and activities of the Patent Office the report pointed out the desirability of legislation restricting the unrestrained power of the Commissioner of Patents in certain respects. Liberal appropriations for keeping census statistics were recommended. The construction of the Union Pacific Railroad and the progress of railroad building in general were reviewed in some detail and needed legislation was suggested. The remainder of the report had to do largely with the affairs of the District of Columbia.²⁶⁷

In addition to his official duties the acceptance of the Cabinet position imposed upon James Harlan certain social obligations, which, burdensome though they were, neither he nor Mrs. Harlan was disposed to shirk. Washington newspapers and correspondence from the capital city during the social season of 1866 bear abundant testimony to the success of the Harlan family as entertainers, not by lavish display, but by wholesome good cheer and the simple application of good taste to the social requirements of their position.

New Year's Day, as usual, was a red-letter day in Washington society, for on that day President Johnson held his first public reception at the White House; and, with the exception of Secretary Seward, all of the Cabinet members kept open house. "Mr. Harlan received his visitors with the most cordial greetings," wrote a society reporter for one of the city papers, "and was frank, pleasant, and dignified in his bearing, and very full of the convivialities due the day." And on the following day the same paper gave full credit to Mrs. Harlan for her contribution to the charm of the occasion.²⁶⁸

Until the end of the season the Harlan home was the scene of many brilliant afternoon and evening receptions. The absence of dancing or of liquor in any form apparently added to,

instead of detracting from, the pleasure with which these receptions were attended. "The opening event of this week", ran the Washington letter in a New York newspaper late in January, "was the magnificent reception given last night by Secretary Harlan and lady. It equalled any of its predecessors in point of distinguished guests, while in its cordial and genial enjoyment by those present, it is believed to have surpassed most of them. Secretary Harlan occupies one of the most spacious residences in Washington, at 304 H. street, and its delightful arrangement for such an affair was generally remarked last evening. The elegant apartments began to fill up a little before 9 o'clock, and from that time until nearly midnight there was a constant ebb and flow of the beauty, bravery, wealth and position that compose the most attractive phase of Washington society in the Winter." Then follows a list of those present, including the names of nearly all the Cabinet officers, members of several foreign embassies, Senators, Representatives, military men and distinguished citizens, many of whom were accompanied by their wives and daughters. "The occasion was not only a generous one," concluded the account, "but refined and elegant to a flattering degree."²⁶⁹

Later chapters will reveal the persistency with which certain Washington correspondents

and the journals which they represented pursued James Harlan after his return to the Senate, the burden of their charges in every instance being alleged malfeasance in office during his brief career as Secretary of the Interior. The animus of these attacks is easily to be inferred by anyone familiar with the conditions which confronted Harlan on entering upon his new duties. The administration of his predecessor, Secretary Usher, had been so susceptible to congressional and journalistic influence that the departmental pay-roll included the names of many newspaper correspondents and other protégés of Congressmen. The services of these men were more or less perfunctory, or at most, fell far short of the expectations and demands of the department's new head.

Coming into office with an intimate personal knowledge of the work to be done, and with an earnest and avowed purpose to put the department upon a working basis, one of Secretary Harlan's first acts was an investigation of the clerical force in the several bureaus and of the volume of work done in each bureau. He found that his department was burdened with scores of virtual pensioners, who were receiving full and even liberal pay for the scantiest service — mere routine work, and much of it of little real value to the department.

The situation was made more embarrassing for the new Secretary by the inconsiderate action of Secretary Usher in making several appointments and in signing a certain contract shortly before retiring from office, which Harlan did not approve. "Difficulty has also arisen in reference to the bonds to be issued to the Pacific Railroad. . . . The company claim to have completed forty miles of the road, as required by law, and to be entitled to a certain amount of government bonds, stipulated to be issued to them when that portion of the road was completed." Commissioners had been appointed to examine the road, but their report was rejected by Secretary Harlan and new commissioners were appointed in their stead. This action brought a protest from the company constructing the road.²⁷⁰

Within the first few weeks of James Harlan's service as Secretary of the Interior there were three changes in the heads of bureaus in the department.²⁷¹ The resignation of Commissioner Dole from the Bureau of Indian Affairs removed one of the Secretary's chief sources of embarrassment. Harlan promptly appointed to the position D. N. Cooley of Dubuque, Iowa, a trusted friend and a man of large ability. But in his attempts to promote harmony between the Interior Department and the War Department in dealing with the Indians there resulted

only friction and dissatisfaction. These conditions, coupled with Harlan's open break with President Johnson, are quite sufficient to account for the virulency of the antagonism against the new Secretary which developed in departmental circles at Washington, and followed him for the remaining years of his political career.

Among the many clerks and supernumeraries who received their dismissal from the Interior Department during the general clearing-out process instituted by Secretary Harlan was the famous poet, Walt Whitman, and probably no other similar dismissal brought down upon Harlan such a storm of censure. Whitman had earned the gratitude of the Government by his devoted services to sick and wounded soldiers in the Washington hospitals, and had been given a clerkship in the Indian Bureau in recognition of those services. He "had been a favorite with the chief clerk in the bureau, and had been given a good deal of latitude", and "whenever the duties were not pressing, he was at work upon his manuscripts."²⁷² That his work was not commensurate with his salary or with the services of those who were carrying the actual burden of clerical labor in the Indian Bureau is admitted by most of his biographers.²⁷³

As has been noted Secretary Harlan early determined on a policy of economy, including

the dismissal of every clerk not deemed necessary to the efficiency of the department. The rule was rigidly enforced, and as many as eighty removals on a single day were reported. On June 30th occurred the dismissal of Walt Whitman, along with several others who had been holding their offices simply as rewards for past services.²⁷⁴

A number of Whitman's friends, chief among whom was W. D. O'Connor, a brilliant writer, resented the poet's dismissal and took up cudgels in his behalf. O'Connor charged Harlan with having gone to Whitman's desk at night and taken therefrom the manuscript of "Leaves of Grass", on which the poet was working at the time. Furthermore, O'Connor alleged that Harlan had read sufficiently far in the manuscript to convince himself that it did not meet his idea of decency, that he had then returned the manuscript to the desk, and immediately thereafter dismissed Whitman from the service.²⁷⁵

From that day to this, nearly every biographer of Whitman has repeated the apparently unsupported statement of O'Connor as to the surreptitious reading of the manuscript and the consequent discharge of its author. Nevertheless, the fact remains that Secretary Harlan removed Whitman on Commissioner Dole's report recommending that he, with others, be

dismissed, and for a reason virtually conceded by the more candid friends of the poet to be a valid one, namely, that his services were not essential to the successful operation of the Indian Bureau. The fact that an indiscreet friend unduly pressed Whitman's claims for reinstatement, chiefly on the ground of his service in the hospitals and his literary achievements, and that Secretary Harlan saw no reason why the author of "Leaves of Grass" should be longer pensioned in a department devoted solely to business, is the only discoverable foundation for the O'Connor charges.²⁷⁶

An exhaustive history of the disruption of President Johnson's first Cabinet will probably never be written. The parties to the differences resulting in the withdrawal of three of its members — appointees of President Lincoln — have long since passed away, leaving little more of record than a few private letters, a few incidental statements by participants in the discussions in Cabinet meetings, a few scattered press reports more or less untrustworthy, and the recently published *Diary of the Reconstruction Period*, left by Secretary Gideon Welles.²⁷⁷ But the general facts concerning the break-up of the Cabinet and the controversy between President Johnson and Congress on the subject of Reconstruction are sufficiently well known to need no discussion in this connection.²⁷⁸

From the first there seems to have been a lack of harmony in the Cabinet. The stringent oath of office prescribed by Congress, the Maximilian episode in Mexico, the proposed trial of Jefferson Davis, and the war measures of Secretary Stanton were all subjects upon which there was sharp division. On some of these questions Secretary Harlan took decided ground, and as often found himself in alliance with the Administration as in opposition to it.²⁷⁹ But when the open break came with Congress, he was unable to adopt the view that the reconstruction of the southern States was an executive prerogative. Furthermore, when the radical supporters of President Johnson issued a call for a "National Union Convention" to meet in Philadelphia and organize a new party, Secretaries Harlan and Dennison and Attorney-General Speed "could go no further in nominal support of Johnson when such action involved a clear breach with the old Union organization."²⁸⁰

Consequently on July 27, 1866, Secretary Harlan resigned. "Having heretofore informed you of my readiness to withdraw from the Cabinet when it might accord with your pleasure and convenience to name my successor," he declared in a letter to President Johnson, "and in pursuance of an understanding arrived at in a recent interview, I hereby tender

my resignation of the position of Secretary of the Interior''.²⁸¹

As will be seen, much censure was heaped on James Harlan by his enemies because he remained in the Cabinet after he had broken with the President. But, as is indicated in the letter of resignation, he had previously signified his readiness to withdraw. In fact it is very evident that he remained in Johnson's Cabinet much longer than he desired to remain, deeming it his duty to retain the position as long as he could with self-respect and without compromise of principle. His so-called non-committal attitude, covering only a few weeks at the longest, was in full conformity with his standard of official courtesy.²⁸²

XX

HARLAN AND KIRKWOOD

WHILE James Harlan was busy dismissing useless clerks from the Department of the Interior during the summer and fall of 1865, many clever maneuvers were in progress on the political checkerboard in Iowa to fill his vacant seat in the Senate for the unexpired term, which would end on March 3, 1867. Furthermore, the legislature which would meet in January, 1866, would be called upon to choose a Senator for the full six-year term beginning on March 4, 1867. His acceptance of the Cabinet position seemed to indicate that Harlan would be out of the race. Consequently, with both the short and the long term as prizes there were many political leaders in Iowa who were "willing" to enter the contest.

As early as March 30, 1865, before Harlan had really decided to accept President Lincoln's appointment, there was correspondence between Governor William M. Stone and Samuel J. Kirkwood with regard to the anticipated vacancy. At this time the Governor practically

promised to appoint Kirkwood in case the vacancy should occur before the meeting of the legislature.²⁸³ Although Stone later apparently reconsidered the advisability of making an appointment, the possibility that the vacancy would be filled in this manner caused no little speculation during the summer. Samuel J. Kirkwood, however, early came to be recognized as a leading candidate for the senatorship.

Late in the summer much excitement was caused by rumors that Secretary Harlan desired to return to the Senate, and as the weeks went by these rumors developed into certainty. About the middle of July Harlan wrote to Kirkwood, stating that as far as he knew his friends would support the War Governor for the senatorship. "I am not sure, however," he continued, "but I would like to swap places with you after you have grown a little tired of a seat in the senate, and feel like taking a little recreation in running after thieves that have been burrowing about this Department, and living under its protecting aegis in the states and territories. How would you like it?"²⁸⁴ During the months following this letter Kirkwood was the recipient of many letters warning him that Harlan was laying plans to get back into the Senate. "I have heard so much about what Harlan is doing," wrote Jacob Rich, one of Kirkwood's most ardent supporters, "the ropes

he is pulling, the patronage he is wielding, and the power he is using to accomplish his election, that I feel a good deal down in the mouth''.²⁸⁵

Among Kirkwood's friends, however, the one who was the most outspoken against Harlan's change of front was James W. Grimes. He had advised Harlan not to accept the Cabinet position, but since he had accepted it Grimes considered it an act of bad faith to seek a return to the position which he had so recently abandoned and for which he had virtually promised to support Kirkwood. He ridiculed Harlan's alleged reluctance to accept the secretaryship, declaring that the change from the Senate to the Interior Department had been made merely for the purpose of entrenching himself at home by a free use of departmental patronage. He spoke of the fact that Secretary Harlan had recently purchased an expensive house in Washington, much to the surprise of all who knew him, but he believed it was due the Secretary to say that in his opinion the charges of dishonesty which this purchase had occasioned were groundless.²⁸⁶ Nevertheless, the friendly relations between Grimes and Harlan, long disturbed by rival ambitions, rival claims to local support, and the inevitable friction between rival camps of interested personal supporters, were broken when Secretary Harlan announced himself in the hands of his friends for a third senatorial term.

The news of Harlan's candidacy for a return to the Senate was greeted with much difference of opinion on the part of the general public in Iowa. The *Muscatine Journal* thought that this sudden decision would greatly complicate the senatorial situation, and presumed that Harlan would soon resign from the Cabinet.²⁸⁷ The *Davenport Gazette*, on the other hand, believed that the situation would be very much simplified. "It is no disparagement to any one of the distinguished men whose names have been mentioned in connection with the vacant Senatorship", declared the editor, "to say that in all the requisites for a competent, faithful and influential legislator, Mr. Harlan is the superior of them all. . . . As Secretary of the Interior, Mr. Harlan is doing good service to the country, but if he will assent to leave that honored position to serve again in the Senate, there should be no question as to his election."²⁸⁸

The *Burlington Hawk-Eye* did not believe Harlan would be a candidate unless he was urged to do so by his friends. But if this should prove to be the case, the editor thought Harlan should be left perfectly free to make his own choice, since he had gone into the Cabinet "against his own wishes and at the urgent and continued solicitations of President Lincoln and leading friends of the Union."²⁸⁹ This view,

however, did not meet with the approval of certain other newspapers, such as the *Dubuque Times* and the *Iowa City Republican*. "The danger of the present crisis", said the editor of the *Republican*, "is from the executive, not the legislative, department of the government, and should Mr. Harlan retire from the Cabinet we have every reason to believe his place would be filled by a 'conservative,' and the danger increased. Allowing Mr. Harlan to be superior to all others in his capacity to influence the affairs of the nation for good, it seems to us he is just where we want him, and where, of all places, we need him."²⁹⁰

Finally, there were those who advocated electing some other person for the short term and giving Harlan the long term. This would allow him to remain in the Cabinet until the first Monday in December, 1867, nearly two years and nearly until the end of President Johnson's administration.²⁹¹

By the time the legislature convened in January, 1866, James Harlan and Samuel J. Kirkwood were recognized as the leading candidates for the senatorship. There were, however, a number of other aspirants for the position, including John A. Kasson, William M. Stone, S. R. Curtis, Fitz Henry Warren, and Asahel W. Hubbard, each with a small coterie of supporters, who urged their claims "with an

earnestness and fervor almost military.”²⁹² During the first days of the session the senatorship was apparently the main topic of discussion in the capitol and hotel lobbies. A newspaper correspondent declared that “if “Cruikshank could have had good sketchers on the ground, his immortal brain would have found work for years” in depicting the scenes that were enacted.²⁹³

There were charges and countercharges. Kirkwood was accused of being opposed to negro suffrage, of having agreed to take the short term in order to defeat a northern Iowa candidate, and of having made his military appointments with a view to promoting his own senatorial aspirations. Harlan was charged with insincerity in his acceptance of the secretaryship and with having enriched himself since he had been in the Department of the Interior. And in addition to these accusations, which apparently were made more in a spirit of good-natured banter than in seriousness, the religious affiliations or beliefs of the candidates were used as arguments when everything else had been exhausted.²⁹⁴

The caucus of the Republicans of the legislature was held on the evening of January 11, 1866, and on the third ballot James Harlan received four votes more than the number necessary to nominate him for the long term in

the Senate, beginning March 4, 1867. Samuel J. Kirkwood, who received the next highest number of votes, and nearly tied Harlan on the first ballot, was on a fourth ballot declared the party nominee for the remainder of the unexpired term.²⁹⁵ Nomination virtually amounted to election, for the Republicans were overwhelmingly in the majority. On January 13th the legislature officially confirmed the choice made in the caucus.²⁹⁶

“Between these two well-known and long-tried public servants, popular opinion throughout the State as well as in the General Assembly, seems to have been nearly equally divided”, said a Des Moines editor, in commenting upon the results of the election. “Each has a record, beginning in the palmy days long before the war, and coming down through the era of the Rebellion, which will ever be proudly cherished as a part of the history of our patriotic State. While the friends of each of these distinguished men have been warm and earnest in their support, public opinion throughout the State will hail the result generally as one of the most auspicious events since Iowa was won over from the reign of the Pro-Slavery Democracy.”²⁹⁷

While it is believed that this statement expressed the attitude of a majority of the people of the State, there were those who, disappointed

at the defeat of Kirkwood for the long term, were quick to bring charges of corruption against the successful candidate. A correspondent for an Iowa City newspaper, for instance, stated that there were at Des Moines, lobbying for Harlan, fifteen men in one way or another connected with the Department of the Interior, and "Methodist Preachers, without number or piety."²⁹⁸

That James Harlan actively sought a return to the United States Senate after having been only a few months in President Johnson's Cabinet can not be denied. But it is not believed that in so doing he merited the charges which were made against him. In the first place, his most confidential correspondence reveals the reluctance with which he accepted the secretaryship. In the second place, there is no basis for the accusation that he had accepted the President's appointment simply in order to bolster himself up for a third term in the Senate, for in 1865, when he went into the Cabinet, James Harlan had no need to fear defeat at the hands of the people of Iowa.

After he had accepted the appointment, however, he found the position an unpleasant one, both on account of vexatious difficulties within the department and on account of his inability to approve of President Johnson's policies. It was, therefore, not a violation of political ethics

for him to desire to return to a position which had proved more agreeable and which he had every reason to believe the people of Iowa would be glad to have him fill. Furthermore, it is probable that he felt disinclined to retire from public life in the face of the storm of petty criticism which had been raised by his endeavor to reform the Department of the Interior.

That a number of men in the service of the Department of the Interior were more or less active in their support of Harlan's candidacy during this contest also admits of no doubt.²⁹⁹ But it was not an unknown thing even at that day for men to labor for the political advancement of those to whom they owed their positions. No evidence has been discovered to prove that there was any corruption in connection with the assistance thus rendered in this case. In fact it would seem that the one charge against James Harlan in this contest capable of being sustained is that he forgot his promise to a friend, if, indeed, he had definitely promised to support Kirkwood for the long term.³⁰⁰

Unfortunately the election of James Harlan to the Senate by the legislature in 1866 resulted in breaking the friendly relations between himself and two other men, James W. Grimes and Samuel J. Kirkwood, who with himself stand out conspicuously as Iowa's statesmen of the Civil War and Reconstruction period.³⁰¹

XXI

RECONSTRUCTION AND IMPEACHMENT

THE assembling of the first session of the Fortieth Congress on March 4, 1867, found James Harlan once more in his seat in the Senate, after an absence of two years. In the committee assignments he was made chairman of the Committee on the District of Columbia and was given a place on three other committees: Foreign Relations, Post Office and Post Roads, and Pacific Railroad.

No extended speeches were made by Senator Harlan during this session, which closed about the middle of July. With his accustomed thoroughness, however, he labored to perfect a number of important bills, upon some of which his experience as Secretary of the Interior made him especially fitted to pass judgment. Naturally the larger part of his time was devoted to bills relating to the District of Columbia. But he also participated in the formulation and discussion of several bills dealing with western problems. In fact the first bill introduced by Senator Harlan was one to

admit the State of Colorado into the Union.³⁰² In the discussion of a joint resolution providing for the sale of certain stocks held in trust for the Chickasaw and Choctaw Indians he insisted that the real issue was whether the disloyal portion of these tribes should pay the loyal portion for damages done by the former when they joined the Confederate forces and drove the latter from their homes.³⁰³ He also took occasion to defend the Indian Bureau against charges made by Senator William M. Stewart.³⁰⁴ Finally, when there was complaint that the Pacific Railroad was not being pushed as rapidly as it should be, he replied that the company had carried on the work of construction whenever the weather would permit, and during the past year had constructed more miles than the law required.³⁰⁵

In the fall of 1867 Senator Harlan placed himself at the disposal of the Iowa Republican State Central Committee, and spent several weeks in filling assignments for political speeches in different parts of the State. Then he returned to Washington to prepare for the work of a session of Congress which proved to be intensely exciting.

Reconstruction and the impeachment of Andrew Johnson were the two subjects which overshadowed all others during the second session of the Fortieth Congress, and in both

cases the voice of James Harlan was heard in vigorous protest against the actions and policy of the President. On February 10th he opened the debate on the supplemental reconstruction bill and, in an eminently logical and well-constructed speech, set forth his views on the question which was the great issue of the day.

Since, in his opinion, the whole controversy over reconstruction would be settled by determining whether or not the existing governments in the ten southern States were legal, he proceeded with a historical review of the situation. The governments which had existed in each of these States in 1860 had been superseded "by organizations which the people themselves in those States denominated State governments", but which every department of the National government had declared to be void. But in what did the illegality of these so-called rebel State governments consist? They had been drawn up in pursuance of law and with great regularity, they were practically perfect in form and effective in operation, and they were republican in character. It might be objected that they failed to comply with the constitutional provisions requiring all State officers to take an oath to support the Constitution of the United States. But this was a defect which might easily be supplied. In fact two propositions of this kind had been made and had been promptly

rejected by the President. Judging them, therefore, strictly from the standpoint of legality, there was no defect in the rebel State governments which Congress might not easily have remedied had it been inclined to do so.

Turning then to an examination of the governments established by President Johnson in the southern States at the close of the war, he declared that their organization was effected without warrant of any law, constitutional or statute, federal or State. "Nor were they the fruits of the voluntary action of the people of these States The voluntary action of the people was in a different direction. . . . They proposed voluntarily to assemble, rescind their ordinances of secession, and repeal the laws which they had enacted in conflict with the Constitution and laws of the United States". Instead of this, the President compelled them to begin "*de novo* an organization of State governments from the foundation," and compelled them by military force to embody and enforce certain provisions in their constitutions. "They were no more voluntary than the delivery of his purse by an unarmed traveler on demand of a highwayman with the mouth of a pistol at his breast." Therefore, the governments initiated by the President were defective and equally void with the governments which preceded them.

It was admitted, as in the case of the rebel State governments, that Congress might pass over these defects if it chose. There were many precedents for action of this character on the part of Congress, but thus far in this case no such laws had been passed. Senator Harlan did not believe that the fact that amendments to the federal Constitution had been adopted by the aid of some of these southern States implied the recognition of the validity of their governments on the part of Congress.

The real question, then, was whether it would be wise for Congress to vitalize the defective provisional governments in the ten southern States as they were then constituted. The supporters of the President insisted that since the Republicans had sustained Lincoln's administration and policy they were bound to sustain his successor. Harlan denied this claim by showing that Johnson's policy was by no means identical with that of President Lincoln, if, indeed, the latter could be said to have formulated any definite policy of reconstruction. Hence Congress need feel no necessity of supporting Andrew Johnson's actions on that ground. Moreover, the evidence brought out in the investigations of the Committee on Reconstruction went to show that the southern State governments as then organized were "in the hands of those who were the leaders in the re-

bellion, almost without a single exception'', and that the men elected to seats in both houses of Congress were of the same stamp.

The contention made by some Senators that the test oath prescribed by Congress in 1862 would serve to keep out of Congress those in sympathy with the rebellion, Senator Harlan declared to be fallacious. That this oath would prove no barrier had already been demonstrated in several cases in which it had been left to the individual applying for a seat in Congress to decide for himself whether or not he could take the oath in good conscience. And in spite of the fact that it had been claimed that the Senators and Representatives from the ten southern States would be few in number, he insisted that they might easily hold the balance of power.

"If, then," Senator Harlan said in conclusion, "this Government is justifiable in refusing to vitalize these illegal State organizations; if it is necessary for the protection of the people, in order that they may not be hereafter saddled with an immensely augmented national debt, we come to the inquiry, whether we have the power to do so." In other words, was the reconstruction legislation already passed by Congress unconstitutional? Ten members of the Senate had charged the remaining forty-three with passing those laws for partisan purposes,

“with knowingly, willfully, trampling under their feet the fundamental law of the nation, violating their oaths of office, sitting here with blighted consciences before God; and, if the allegation be true, deserving nothing so much as the scorn of all honest men.” These charges Senator Harlan emphatically repelled. No decision of the courts had yet called into question the validity of any of the reconstruction laws passed by Congress. And finally, when the case had been submitted to the great jury of the people at the last congressional elections they had sustained the Congressional, as opposed to the executive, policy of Reconstruction by a majority of over one hundred and thirty-four thousand, in spite of President Johnson’s famous “swinging round the circle” tour.³⁰⁶

A side-light on Senator Harlan’s attitude toward Reconstruction is to be found in a letter written shortly after his speech in the Senate to James Vincent of Tabor, Iowa. This letter, which was published in the newspapers, deals almost entirely with the question of negro suffrage, on which there was much difference of opinion, and reveals something of the perplexing problems which confronted conscientious members of Congress in dealing with the southern States.

Senator Harlan realized the objections to granting the suffrage to a race of people which

had so long been kept in ignorance. And yet he saw no other way of securing reconstruction "on a Union platform". If the whites alone were allowed to vote "a majority of them being honest secessionists, they would select secessionists to fill all the offices, to make and enforce all the laws, State and National". In fact, there was no need for conjecture on this point, for such had proven to be the case in several instances. If, on the other hand, whites and negroes alike were allowed to vote it would insure the election of a majority of Union men in every State.

Clearly, then, it was not safe to trust the suffrage to the whites alone, and only two courses remained open: to enforce military rule in the southern States, or to insure the election of Union men. The first alternative was out of the question. The second could be accomplished only by the aid of the negro vote. He admitted that the negroes had been deprived of book learning, but insisted that at every opportunity thus far they had shown themselves capable of understanding the points at issue between the North and the South. To deny them suffrage until they could read and write, unless also denied the whites, would be unjust to them and would endanger the welfare of the southern States by continuing ex-rebels in power. To require both whites and blacks to be

able to read and write before being allowed to vote would create an aristocracy. "You will perceive, therefore," Senator Harlan said in conclusion, "that it is a difficult subject to settle — that we are compelled to run some hazards — and, on the whole, I am inclined to think it safer to trust ignorant people who are honest and patriotic than educated knaves and confessed traitors."³⁰⁷

Reconstruction, however, was not the subject which created the most widespread interest during the early months of 1868, nor is it the debates on this subject for which the second session of the Fortieth Congress is especially remembered in history. The impeachment trial of Andrew Johnson was the all-absorbing topic of discussion, both in the halls of Congress and in the country at large. Among the Senators who put themselves on record in favor of impeachment was James Harlan. His "opinion" was neither as oratorical nor as elaborate as many of the other speeches delivered during the course of the trial. It was comparatively brief and was confined to the first two articles of impeachment, but it was characteristically clear, logical, and convincing.

Addressing himself to the first article of impeachment which charged the President with removing Secretary Stanton from the War Department in violation of the Constitution and

the Tenure of Office Act of March 2, 1867, Senator Harlan reviewed the constitutional aspects of the case. "The Constitution does not anywhere," he held, "in terms, confer on the *President* the authority to make *removals*; nor does it anywhere confer on him this right by *necessary implication*. It does confer on him the *qualified right to make appointments*." That is, the President had the exclusive power to make appointments to fill vacancies temporarily during the recess of the Senate, and to make permanent appointments during the session of the Senate, by and with the consent of that body. Granting, therefore, that the right to appoint implied the right to remove, it followed that the President had no power to make removals during the session of the Senate without securing its consent, as had been the case in the removal of the Secretary of War. In fact this was practically the first case in the history of the Nation in which the President had made a removal without securing the consent of the Senate when that body was in session.

If the President might at his discretion remove civil officers he might with equal authority remove Judges of the Supreme Court and officers in the army and navy whenever it suited his fancy. "I cannot bring myself to believe", Harlan declared, "that the framers of the

Constitution could have intended to vest in the President a purely discretionary power so vast and far-reaching in its consequences, which if exercised by a bad or a weak President would enable him to bring to his feet all the officers of the Government, military and civil, judicial and executive, to strike down the republican character of our institutions and establish all the distasteful characteristics of a monarchy." For these reasons, he believed that President Johnson had violated the Constitution in removing Secretary Stanton.

Not only had Andrew Johnson violated the Constitution, reasoned the Senator, but he had also violated the Tenure of Office Act. This act, approved on March 2, 1867, had been enacted with two purposes in view: to prohibit removals, and to limit the terms of service of Cabinet members; and it expressly provided that removal of Cabinet members should be by and with the consent of the Senate.

The second article of impeachment charged the President with appointing Lorenzo Thomas as Secretary of War *ad interim* when there was no vacancy in that office, and without the consent of the Senate, which was in session at the time. The President justified the appointment of Thomas by citing a statute, passed in 1795, authorizing the President to fill temporarily vacancies caused by the inability of a Cabinet

officer to perform the duties of his office. But Senator Harlan contended that this law did not give President Johnson authority to appoint Thomas during the session of the Senate without its consent, for to construe the law in this manner would render it unconstitutional and consequently null and void. Moreover, the law in question did not contemplate a vacancy created by removal — a removal which in this case was in violation of both the Constitution and the Tenure of Office Act, as was charged in the first article of impeachment. Hence Thomas had been appointed by Andrew Johnson to a vacancy which did not legally exist. "I do not, therefore, see my way clear," declared Senator Harlan in closing, "under the solemnities of my oath, to find him innocent."³⁰⁸

Harlan's speech was hailed with hearty approval in Iowa and throughout the West. "We take great pleasure in presenting to our readers this unanswerable speech of Senator Harlan," proclaimed the *Iowa State Register*, "because in these times of Senatorial recreancy it will help to show that the popular verdict which, months ago, convicted Andrew Johnson of high crimes, warranting his removal from office, was founded upon an honest, legal basis."³⁰⁹ By the irony of fate which sometimes leads public opinion into mistaken channels, Senator Grimes, one of the small group who stoutly opposed

impeachment, received nothing but bitter condemnation from his constituents. "Mr. Harlan voted as the Republicans of Iowa, without a dissenting voice, desired and expected — Mr. Grimes voted as none desired, but many feared", was the comment of a writer in a Chicago newspaper.³¹⁰ And yet it is the verdict of history that James W. Grimes and his associates in voting against the impeachment of Andrew Johnson saved the country from what would have been, to say the least, a very embarrassing situation.

Reconstruction and impeachment, however, did not prevent Senator Harlan from giving careful attention to the regular grist of legislation. As in the previous session his energies were largely directed toward supplying the needs of the District of Columbia. But he took part in the debates on at least seventy bills and resolutions covering the whole range of legislative activity. Bills relating to the Dubuque and Sioux City Railroad and the central branch of the Union Pacific Railroad Company, and a resolution regarding the Rock Island bridge called for special remarks, because they were of vital interest to the people of Iowa. The Indian appropriation bill and the deficiency bill were other subjects in the discussion of which Senator Harlan took a prominent part.

XXII

CHARGES OF DISHONESTY

THE year which James Harlan spent in the Cabinet of President Johnson as Secretary of the Interior was without doubt the turning point of his career. For out of that one year's service grew nearly all the persecution which followed him during the remaining years of his public life. The opposition aroused by Secretary Harlan by his attempts to put the Interior Department on an honest business basis, and the charges made against him at the time of his reelection to the Senate have already been noted. But these charges were only the beginning of a series of vindictive and unwarranted accusations made by his enemies for the purpose of driving him from his seat in the Senate.

The presidential campaign of 1868, like the three preceding ones, brought Senator Harlan valiantly to the support of his party. A rumor had been circulated to the effect that he was to enter the canvass in the Pacific coast States, but a Des Moines editor assured his readers that

this report was untrue. He congratulated "the people of the State upon the opportunity which will be thus afforded them of listening to one of the most eloquent orators in the country; and one who, when others have wavered and faltered, has always been true to his principles and to the party he has been chosen to represent."³¹¹ Then followed a list of speaking appointments covering the southeastern quarter of the State from Des Moines to Burlington.

On September 5th, the day of Senator Harlan's speech at the State capital, a newspaper published in Des Moines declared that "Harlan has many constituents in Iowa, poor men, who would like to get a 40, 80 or 160 acre tract of that Kansas land which he sold to Sturgis for one cent and a quarter an acre, and will give $2\frac{1}{2}$ cents per acre."³¹² This was a faint reflection of a charge made against Harlan shortly after his retirement from the Cabinet, in which he was accused of corruption in the sale of certain Cherokee Indian lands in Kansas. He had at the time vigorously denied the charge and made a detailed explanation of the sale which to any fair-minded person would have cleared him of suspicion of wrong-doing. But fairness is not always found in politics, and so the charge made its appearance periodically until the man at whom it was aimed was retired to private life.

In this case, however, Senator Harlan was not obliged to make his own defense, for he found an able champion in the editor of the *Iowa State Register*. That journal denied that Harlan had ever sold any land to "Sturgis" for one and a quarter cents per acre or for any other price. "While Senator Harlan was Secretary of the Interior he did negotiate a sale of a tract of land situated in Kansas, owned by the Cherokee Indians, not to 'Sturgis', but to a reliable Company; and not for one and one quarter cents per acre, but all that part claimed and occupied by settlers for the appraised value by sworn appraisers, and the residue, including all the refuse land in the tract, at ONE DOLLAR per acre." This sale had been assailed "by the disreputable portion of the Copperhead press as a swindle. And Mr. Harlan's successor, Secretary Browning, attempted to break up the sale; advertised the land for sale for about a year; was unable to sell it for more than one dollar per acre; and then made a new treaty with the Cherokee Indians at their request, confirming the sale made by Secretary Harlan."³¹³

About the middle of September James Harlan hastened back to Washington to attend a special session of Congress, and to be present at an event which cemented the strong friendship which since 1861 had existed between the Lincoln and Harlan families. On the evening

of September 24, 1868, at the Harlan home in Washington, occurred the marriage of Robert T. Lincoln and Mary Harlan. No cards of invitation were issued, and the wedding party consisted simply of a few personal friends of the two families.³¹⁴

In the legislation of the third session of the Fortieth Congress, Senator Harlan took comparatively little part beyond active service on committees and occasional participation in the discussion of subjects on which he was especially prepared to speak. But on January 15th there came to his attention an article signed by H. V. Boynton, which had originally appeared in the *Cincinnati Gazette*. The article purported to be an exposé of frauds in connection with the disposal of public lands in the West, and two paragraphs referred particularly to Harlan's actions while Secretary of the Interior. The first charge made against Harlan had to do with the extension of the Burlington and Missouri River Railroad. It was asserted that by an improper order withdrawing from sale lands along this extension Harlan had attempted to divert for himself and a number of friends "a tract large enough for a very respectable State", and that he had been prevented only by the remonstrances of the Kansas legislature and the Kansas delegation in the lower house of Congress.

The second accusation which Boynton made against Harlan was a renewal of the oft-repeated charge in connection with the sale of the Cherokee Indian lands in Kansas. "The treaty regarding these lands", ran the article, "provided that he might sell them in a body at not less than one dollar per acre, and for cash. He sold to a company called the Connecticut Emigrant Company, which was, in reality, an Iowa company, in which his friends, at least, were largely interested. Instead of selling for cash, he, in violation of law, sold the tract of eight hundred thousand acres on time, requiring only \$25,000 as a first payment. The sale was disputed, and the Attorney General decided that the whole affair was illegal. Here it rested till a supplemental treaty could be worked through the Senate authorizing a sale on time. . . . Leaving entirely out of view the Iowa feature of the so-called Connecticut company and the circles of his friends who were enriched, the mildest aspect which can be put upon it is that the Attorney General decided the operation to be outside the bounds of the law."³¹⁵

On January 18th Senator Harlan asked and received permission to make a few remarks relative to Boynton's statements, not so much to clear himself as to set the real facts before the public, for the article in question exhibited "a degree of carelessness or of ignorance, if

nothing worse", that "would unfit a gentleman to be a correspondent for any respectable journal." Furthermore, he declared that if his reputation "could now be seriously and permanently affected by such influences, however potential," he would consider his life a failure.

Taking up the accusation in connection with the Burlington and Missouri River extension, he called attention to the law specifically requiring the Secretary of the Interior to withdraw from sale lands along the route of the proposed road for the benefit of the road. He read correspondence to prove that he had fulfilled the requirements of the law, and nothing more. "In relation to the insinuation that this order was made for the purpose of benefiting myself and the honorable Senator from Kansas, and our personal friends," he emphatically declared, "I have only to say this. I have not now, I had not then, I never had, and I never expect to have, one particle of interest in the Burlington and Missouri River Railroad Company's road or its extension; nor do I know who the persons are who are pecuniarily interested in that organization".³¹⁶

Boynton's allegation relative to the sale of the Cherokee Indian lands was examined with equal frankness, since his former explanation on this point had been made in executive session, and he now wished the facts to be made a

matter of public record. He briefly reviewed the history of treaties with the Cherokees concerning their lands in Kansas, and especially the treaty under which the sale made by him as Secretary of the Interior was negotiated. This treaty provided that the land should be sold to two classes of people. The white settlers living on the Indian lands, although trespassers, were to have the right to purchase the land on which they lived at its appraised value, exclusive of improvements. The remainder of the lands might be sold in subdivisions to the highest bidder, but not for less than an average of one dollar and a quarter an acre; or it might be sold in a body for cash to a responsible party or parties at not less than one dollar an acre.

In pursuance of this treaty, Harlan declared, he had conducted the sale. The Attorney General had afterward written an opinion holding that the treaty required the payment of cash in hand at the time of sale, whereas only part cash had been paid. Senator Harlan stated that he had been intimately connected with the making of the treaty and he knew positively that the term "cash" had been inserted "not to prevent a time sale, but to prevent a sale of the land for certified Indian indebtedness." Therefore, the contract "was made in strict pursuance of the understanding of the treaty had by both contracting parties at the time the treaty

was negotiated." Furthermore, he showed by quoting the prices of similar adjoining land that one dollar an acre was all the tract in question was worth or at least all it would bring in the market. This fact had been corroborated by his successor, Secretary Browning, after a careful investigation. Repeating, in conclusion, what he had said in connection with the Burlington and Missouri River extension, he declared: "I had not at the time, have not now, never had and never expect to have, one cent's worth of interest in the subject matter of the treaty."³¹⁷

Before relinquishing the floor Senator Harlan paid his respects to the "people hanging around Washington writing for newspapers, styling themselves correspondents, and occupying seats in that gallery by the courtesy of the Senate, who, when they are unable to hire themselves to advocate measures involving appropriations from the public Treasury, endeavor to teach the parties in interest their importance by denunciation and abuse."³¹⁸

About this same time there reappeared in various newspapers hints of the alleged wealth which Harlan had acquired while Secretary of the Interior. Late in February there was printed in the *Davenport Gazette* a letter from Washington replying to these insinuations and giving the following inventory of the property owned by James Harlan:

That gentleman is not wealthy. He does not own a dollar's worth of bonds, stocks, debentures, railroad or bank shares, nor any description of scrip. He does not own the Washington residence. That property was purchased more than four years ago, mainly on long credit, at six per cent. The purchase was mainly effected with the proceeds of a little property which fell to Mrs. Harlan from two deceased relatives. Very properly the residence when paid for will be held in Mrs. Harlan's name and right. Mr. Harlan has not a foot of real estate outside of Iowa, and owns nothing there except his Mount Pleasant property, a sixty acre farm in Henry county bought several years ago at four dollars per acre, and three hundred and twenty acres of wild prairie in Guthrie county. The value of the whole of his real estate possessions may be inferred from the fact that the total annual taxes thereon — State, county, local and municipal — as shown by the tax receipts for last year, exhibited to me with letters of the agents, attending to the business, is less than one hundred and fifty dollars.³¹⁹

As soon as this statement of his financial condition came to Senator Harlan's attention he wrote a letter to the editor of the *Gazette* which is significant in view of the frequency with which the charge of personal enrichment through official position was made during subsequent years. He wrote, in part:

Although I do not admit the *right* of any one to *pry into my private affairs*, and have uniformly declined to notice the ridiculous stories circulated by political

enemies — sanctioned, sometimes, by envious and possibly disappointed political friends — I cannot complain of this letter, for it has evidently been indited by the spirit of friendship; but as it is not entirely accurate, it is best perhaps that the errors, however small, should be corrected.

1st. I do own bank stock in the First National Bank of Mt. Pleasant, Iowa, to the amount of fifteen hundred dollars; and bonds on the Territory (now State) of Nebraska to the amount of twenty-five hundred dollars.

2d. My farm of about *fifty* acres in Henry county, near Mt. Pleasant, cost me more than “four dollars per acre.” I bought it eight or ten years ago for just two thousand dollars.

3d. In addition to the three hundred and twenty acres of land in Cass county (not “Guthrie”), bought of the United States at one dollar and quarter per acre before I entered the Senate, I own eighty acres of unimproved land in Henry county, which cost me four or five dollars per acre.

4th. The taxes levied and collected on my entire property last year was a little less than one hundred and seventy-five dollars.

The other statements in the letter are correct. It is true that I own no property outside of Iowa and have had no income worth mentioning, except my salary as Senator.— In short that I am not rich, chiefly, as I think, because I have never desired to be, and could not take advantage of opportunities to acquire property, as it seemed to me, without neglecting my public duties, which I deemed to be paramount.³²⁰

The bill to repeal the Tenure of Office Act was the first important measure to command Senator Harlan's attention during the first session of the Forty-first Congress which convened on March 4, 1869. The Senator opposed the repeal of the law for two reasons: he did not believe that tenure of office should be subject to the will of the executive in the general government any more than it was in the State governments, and he thought the Senate should not shirk its responsibility in the making of appointments.³²¹ The Indian appropriation bill was naturally the subject on which he made the most frequent remarks, since he was now chairman of the Committee on Indian Affairs. These two bills, with a few others dealing with railroads and internal improvements, were sufficient to keep him busy until April 10th, the day of adjournment.

The long second session of the Forty-first Congress passed in much the same manner, without any conspicuous speeches from Senator Harlan. He nevertheless was active in the enactment of much important legislation; for, besides presenting scores of petitions, bills, resolutions, and reports, and speaking on a wide range of topics, he assumed special responsibility for a number of bills originating in or referred to the several committees of which he was a member. Thus a resolution for a Joint

Committee on Indian Affairs, a bill to provide for the sale of the Osage Indian reservation, a joint resolution in relation to the Northern Pacific Railroad Company, the Indian appropriation bill, and bills relative to the Southern Pacific Railroad and other western railroads, were subjects to which he devoted special attention. But there is little in his remarks which throws new light on his attitude toward these questions.

The session had scarcely begun, however, when H. V. Boynton renewed his series of libelous allegations in the *Cincinnati Gazette*. This time Harlan did not find it necessary to make a public defense, for immediately there were a number of influential newspaper editors and correspondents who entered the lists in his behalf. "We have made no attempt at answering the attack," said Editor Clarkson, "because we did not deem it necessary to defend Senator Harlan before the Iowa people from the assaults of a man who appears to peddle his literary labors to the highest bidders. . . . They know the men they have sent to Washington, and have confidence in them, and do not propose to listen for a moment to the hired assaults of buccaneers as small and weak as the little man Boynton."³²²

In the same issue of the Des Moines newspaper appeared a long letter from Washington

replying to the new series of charges which Boynton had made. In the first place Boynton had called attention to the fact that Secretary Harlan's son had been employed as a messenger in the Department at a salary of eight hundred and forty dollars per annum. He next charged Harlan with having appropriated two fine horses belonging to the Government, and with having put upon the pay-roll of the Interior Department a coachman, a footman, and a dining-room servant in his own personal employ. Secretary Harlan had, he asserted, put in a bill for six hundred and fifty dollars for fancy stationery, visiting cards, party invitations, pen knives, and other fashionable trinkets which had been used by his family. Again, Boynton charged that coal had been taken from the Interior Department to heat the Harlan home, which, furthermore, was partly furnished with furniture from the Department. Adding all of these things together, he figured that James Harlan's income as Secretary of the Interior was a little over twelve thousand five hundred dollars.

The charge concerning Harlan's refusal to accept a certain section of the Pacific Railroad also seems to have been renewed by Boynton at this time and embellished with new features. He insinuated that the president of the company constructing the road had sought a confidential

interview with Secretary Harlan and by the application of certain influences had induced him to withdraw his refusal. Finally, Boynton charged that Harlan and D. N. Cooley had pushed through a contract by which certain Delaware Indian lands had been sold to a railroad company, in spite of the fact that a higher bid had been offered by a private individual, and thus the Government had been swindled out of nearly one hundred thousand dollars.

James Harlan's defender in the letter written from Washington took up these charges one by one and answered them with frankness and directness. He admitted that the Secretary's son, W. A. Harlan, had served for seventy-three days as a messenger. But he received the same pay as other messengers and only for the time during which he served. Furthermore, it was not at all unusual for the sons of Cabinet members to be given clerkships and similar positions in the various departments. The charge regarding the horses, the coachman, and the other servants, was pronounced false. The Government had ceased to have any use for the horses in question and so Secretary Harlan had bought them at their appraised value. It was the custom of the Government to pay for the services of a driver for Cabinet members, but aside from this one man, no personal servant of Secretary Harlan received pay from the Department.

The stationery for which the bill had been submitted had been entirely for the use of the Department, and all bills for private stationery, cards, and invitations had been carefully kept separate and paid out of the Secretary's own pocket.

To prove that Boynton's charge concerning the use of Department coal was entirely slanderous the correspondent produced a sworn statement from the chief engineer stating that no coal had ever been taken from the Interior Department to the Harlan home. The insinuation relative to furniture was equally groundless, since it was the custom of Secretaries to have offices in their homes, the equipment of which was provided by their respective departments. In this case, at the expiration of his service Secretary Harlan had purchased all the furniture and fixtures thus used at their appraised value. A sworn statement from the president of the construction company exonerated Harlan from the insinuation regarding the Pacific Railroad; and besides, it was a matter of public record that it was due to President Johnson and not to Secretary Harlan that the order had finally been given to accept the disputed section of road. The last allegation, concerning the sale of the Delaware Indian lands, was without basis also, because the only bid which was higher than that offered by the

railroad company had been withdrawn before the date of sale, against the protest of Secretary Harlan, who only acquiesced in the withdrawal upon receiving legal advice that it was legitimate.³²³

Thus each of the accusations made against James Harlan in connection with his administration of the office of Secretary of the Interior was fairly and squarely met by facts which were a matter of record, and proven to be without foundation. Nevertheless, the harm had been done, and no amount of denial and proof could wholly dislodge the prejudice which these accusations implanted in the minds of many of the people of Iowa.

An interesting side-light on this attack by H. V. Boynton as well as on the political situation in Iowa, showing that even at this early date plans were being laid for the senatorial contest of 1872, is to be found in a letter which Senator Harlan wrote to Representative William B. Allison on January 5, 1870. The Senator asserted his firm belief that the story to the effect that Allison and James F. Wilson had formed a coalition to control the succeeding senatorial elections in Iowa was absolutely without foundation. His constant denial of this rumor, he said, "may have laid the foundation for the opposite story . . . alleging that you and I have formed a combination of the

same purport, which we both know to be false.”

“The report,” continued Senator Harlan, “that you secretly incited the recent attack made on me by the Cincinnati Gazette, is no more painful to you than it is to me.” He believed, however, that the Boynton article had “earmarks of an Iowa paternity, and of political forethought, such as the time and places of its publication, at Cincinnati — as a blind — in a Republican paper, to give it force,— and its almost immediate, and simultaneous reproduction in Dubuque, Davenport, Burlington, and Keokuk, (in the Copperhead organs from necessity) . . . its avowed purpose being to affect the senatorial election.”³²⁴

XXIII

DEFENSE OF PRESIDENT GRANT

THE last important speech made by James Harlan in the Senate of the United States, and in many respects the most famous of his post-bellum speeches, was his brilliant defense of President Grant against the attacks of Senators Sumner and Schurz in connection with the San Domingo affair. The speech was not a long one, but it went directly to the point at issue and resulted in turning the tide which seemed to be running strongly against the President.

The debate began in the third session of the Forty-first Congress when a resolution was introduced calling for the appointment of commissioners to investigate the relations of the United States with the republic of Dominica. It appears that during the summer of 1869 President Grant received information to the effect that the Dominican government was favorably disposed toward annexation to the United States, or at least that it was willing to lease Samana Bay. Consequently, a United States vessel bearing a confidential agent was

sent to the island. The agent made investigations, submitted a report, and finally two treaties were drawn up between the United States and the Dominican republic. While these treaties were pending the President instructed certain naval officers to maintain peace in San Domingo and if necessary to repel any invasion by a foreign power. These were the facts upon which the opposition, led by Sumner and Schurz, based their assaults upon President Grant, charging him with belligerent intervention without the authority of Congress.³²⁵

The debate, begun in December, 1870, was carried over into the first session of the Forty-second Congress where it was continued with renewed vigor. On March 29, 1871, Senator Harlan took the floor in reply to the long and eloquent speeches of Sumner and Schurz. After tributes to the venerable Senator from Massachusetts and his able and eloquent supporter from Missouri, he proceeded to examine the charges made against Grant — charges which, if substantiated, were generally recognized as making out “a case for impeachment of a much more serious nature than that worked up against President Johnson.”

“You may travel through these long columns of extracts and comments which required several hours for their delivery,” said Senator Harlan, “and you will find the whole case stated

in that brief sentence, that the President instructed the officers of the Navy to maintain the peace in Dominica within the limits of that republic, and, if need be, to repel foreign invasion during the pendency of the treaties." But, in Harlan's opinion, there was nothing in these instructions to justify the charge of belligerent intervention. Moreover, no act of hostility or force had been committed. The two Senators in the opposition maintained that the President "had no right to use force to protect the existing Government with which we were at the time in incipient treaty relations." On the other hand, there were many Senators "equally learned" who asserted that the United States did have the right to protect the territory which it seemed about to acquire. It was, therefore, a question of the relative weight of authority, and the fact remained that no force had been used.

Senator Sumner here interrupted to call attention to the fact that the real cause for denouncing the President was that he had seized the power to declare war which belonged to Congress. "The Constitution clothes Congress with the power to declare war," said Senator Harlan in reply, "which these honorable Senators think must precede every act of war. Now, let us see what has been the understanding of that subject during the whole history of the Government." Indian wars had almost in-

variably been carried on without formal acts by Congress; an army had been marched into Utah to suppress an armed force without a declaration of war; "the very first great battle of the Mexican war was fought before Congress took notice of our controversy with Mexico"; and even in the late war against the southern States war was begun in a manner not specifically provided for in the Constitution.

A lively colloquy then ensued between Harlan and the two Senators, and he succeeded in driving them into corners where they were forced to admit that the President might provide for the protection of United States territory and even initiate war measures in advance of an act by Congress. Senator Sherman at this point insisted that Harlan be permitted to continue without further interruption, for, he said, "I think, with a single remark or two, he has probably exploded most of their speeches, and I should like to hear him go on." Thereupon the Iowa Senator was permitted to continue without interruption his citation of precedents for the President's action.

He then turned to the motives which animated the attacks on President Grant. The opposition were perfectly willing that Grant should receive full glory and praise for his military career, but they wished to rob him as President of the confidence of the American people, simply because

he had offended them. They were endeavoring to place either themselves or some friend whom they esteemed more highly for his civil attainments in the executive chair. Furthermore, Senator Schurz had had a quarrel with the President because a few postmasters in Missouri were appointed without his approval. At this assertion Schurz leaped to his feet with an emphatic denial of the obvious conclusion that he was influenced in this case by such petty and personal considerations. Mr. Harlan replied that he had not stated any such conclusion. "Without the patience to wait till I drew my conclusion, he drew a conclusion for himself, a conclusion, I doubt not, that has been drawn long since by a majority of the American people." What he had intended to say was that probably the Missouri Senator was not so free from human frailties but that he would be unconsciously affected by a sense of personal injury.

After refuting certain technical points in the charges against the President, and showing that the reasons which Sumner and Schurz had advanced for their arraignment of Grant were not real or valid, Senator Harlan closed by moving that the resolutions of censure be laid on the table. He deprecated the whole discussion, since it had obviously been aroused for political purposes in advance of the report which was

soon to be made by the commissioners appointed to investigate the affair. President Grant's only offense was his "desire to preserve the peace in a neighboring island, a desire to prevent rebellion in the republic of San Domingo" and "to prevent the black republic of Hayti from extinguishing its weaker neighbor." After some further debate the motion to lay the resolution on the table was adopted by a vote of thirty-nine to sixteen — much to the evident chagrin of Senators Sumner and Schurz.³²⁶

"In the Senate, on Wednesday last, Senator Sumner made ship-wreck of his ill-advised and ill-starred expedition against President Grant and the Republican party," was the jubilant comment of a Des Moines editor, "and it must be confessed his first campaign closed with remarked discredit to himself. . . . His three weeks of battle and bushwhacking . . . was brought to a sudden end by Senator Harlan, of this State, who, on Wednesday evening, after a powerful speech in reply to Sumner and Schurz, and in support of the President, brought the whole question to its final issue by moving that the Sumner resolutions in arraignment of Grant be laid upon the table."³²⁷ A few days later the same writer took a further occasion to commend Senator Harlan's speech and congratulate the people of the State upon the triumph which their representative had achieved. "It

required no little courage," he declared, "as it certainly required much ability, to take up the leadership of the fight against men of the stature of Sumner and Schurz. But this our quiet-mannered Senator, without time for preparation, presumed to do, and the sweeping power with which he moved forward in the effort is shown in the success attending it."³²⁸

The speech met with praise all over the country as well as in Iowa, and it was generally accepted as the strongest defense of President Grant made during the debate on the San Domingo question. "His speech had in some parts a rather partisan character," declared the *New York Times*, "and was effective beyond expectation when he took the floor. He pinned the cause and the object of the speeches so fast to their authors that the attempt to escape was futile."³²⁹ Even the *Washington Chronicle*, a distinctly Sumner paper, recognized the pungency and force of Senator Harlan's reply.³³⁰

The joy with which certain of President Grant's most ardent admirers hailed the speech and its result is illustrated by the following incident related by a personal friend of James Harlan:

Old Zach Chandler used to delight to tell of General Sherman's part in the triumph. While Mr. Harlan was speaking, the crowd of congressmen and others, filling the senate chamber, pressed forward until

General Sherman, rigidly erect, his arms folded, his wonderful, eagle eye flashing and gleaming as if in battle, stood but a yard away from Mr. Harlan watching him intently. The moment it was over, Sherman was gone. Zach Chandler called a cab and drove rapidly to the White House. But Old Tecumseh was there just ahead of him and, bouncing upstairs and into the President's room, the delighted General shouted: "Grant, Harlan's done it! He knocked them this way, and he knocked them that way!" and Sherman swung out each arm in succession as if he himself were slaying great hecatombs of lately living foes.³³¹

The San Domingo speech in defense of President Grant is sometimes referred to as the culmination of James Harlan's forensic career. It is not to be classed with his constructive speeches of the ante-bellum period, either in exhaustiveness or logical arrangement, but its extemporaneous character reveals the Senator's debating power as his more definitely prepared speeches do not, proving the value of the training received during college days at "Old Asbury".

XXIV

THE HARLAN-ALLISON CONTEST

FULLY two years before the meeting of the General Assembly in January, 1872, as has already been seen, wires were being laid for the manipulation of the senatorship which would be made vacant by the expiration of James Harlan's term in 1873.³³² William B. Allison, who in 1870 had been defeated for the senatorship by George G. Wright, was chosen to make the race against the man who had served Iowa in the Senate since 1855. The discussion thus quietly begun in the circle of party leaders smouldered for more than a year and then burst into flame in the summer of 1871.³³³

The chief cause of the sudden appearance of the senatorial question at this time was an insidious attempt to weaken Senator Harlan's influence by an appeal to sectarian prejudice. Rumors had reached certain members of the Methodist clergy to the effect that Harlan was delinquent in some of the things considered requisite to good standing in the church. In response to an inquiry on this point Dr. John P.

Newman, pastor of the church which Senator Harlan attended in Washington, wrote a letter to an Iowa minister vouching for Harlan's regular attendance at church and his influence "in the right direction". He also alluded to Harlan's influence with the President and with his fellow Senators, and urged that he be given hearty support for reelection.³³⁴

This letter, referred to throughout the campaign as the "Newman Letter", came into the hands of the editor of the *Dubuque Herald*, a Democratic journal, and was published late in June. A controversy, violent out of all proportion to the significance of the incident, immediately ensued. It was asserted that the letter had been lithographed and widely circulated among the Methodist clergy in Iowa, in the effort to array the membership of the Methodist church solidly under the Harlan banner in the senatorial contest. Dr. Newman indignantly denied that he was responsible for the lithographed letter, if there were any such, and declared that he had simply written as friend to friend without any thought of publicity. James Harlan also wrote a public letter defending the right of Newman to write a private letter advocating the election of a friend, and protesting against the use which was being made of the letter to arouse opposition to him on sectarian grounds.³³⁵

It is difficult to find anything in the Newman letter to justify the storm of indignation which it brought down upon the head of Senator Harlan. But it came to men eager for a pretext to transfer their allegiance, and in spite of a vigorous defense by his friends the letter furnished his enemies with ammunition for bitter attacks covering a period of several weeks and had a distinctly harmful effect upon Senator Harlan's campaign. The persistency with which the newspapers continued the discussion is an indication of the readiness of politicians of the time to seize upon any argument, however small, against their opponents.

The Newman letter controversy was the opening skirmish in a series of charges and counter-charges which makes the senatorial campaign of 1871-1872 one of the most notable political contests in the history of Iowa. James Harlan and William B. Allison had long been accepted as the two leading candidates, although there were minor local "booms" for William W. Belknap, Samuel J. Kirkwood, Grenville M. Dodge, James F. Wilson, and others. The contest between the two men soon developed into a struggle which was based on personal considerations rather than on differences in policy.

Before the excitement over the Newman letter had wholly subsided there developed among

the German-Americans of the river towns a movement headed by Theodore Guelich, an influential German editor, aggressively opposed to Harlan's return to the Senate.³³⁶ At about the same time, also, H. V. Boynton savagely renewed his former assaults in the *Cincinnati Gazette*. Even many of the more generous opponents of Harlan resented this outside interference.

As the weeks passed by, the senatorial succession became more and more the absorbing topic of political discussion. Several minor candidates announced themselves, each attracting more or less local support, and causing considerable anxiety in the Harlan and Allison camps. James F. Wilson of Fairfield, after much urging, consented to the use of his name and soon came to be regarded as the most formidable of the group of lesser candidates. The sectional question also played its usual part, the northern portion of the State insisting that it deserved the senatorship in view of the fact that it had never sent a Republican to the United States Senate and the southern section had been especially favored in all State offices. The sectional aspect of the contest naturally caused Harlan's supporters to look with serious misgivings upon the Wilson boom, since Wilson's following must come largely from Harlan territory.³³⁷

The campaign which preceded the fall elections for State officers and members of the legislature was largely colored by the senatorial question, and after the overwhelming victory of the Republican party both the Harlan and the Allison managers claimed to have secured the control of the legislature for their respective candidates. Neither side, however, felt sufficiently confident of success to allow any arguments against their opponents to pass unnoticed. All of the charges which had ever been made against James Harlan were now revived and many new ones, equally without foundation, were brought forward; while William B. Allison was subjected to every criticism for which there was the slightest pretext. But it should be remembered that the candidates took no part in the war of personalities which followed, except to answer some of the most violent accusations, nor were they responsible for the bitterness of the campaign conducted by their admirers.³³⁸

The principal charges made against Harlan were, as might be expected, in connection with his ill-fated service as Secretary of the Interior. The oft-repeated allegation concerning the Cherokee Indian land sale was again brought out with as much assurance as though it had not many times been amply refuted; as were also the charges in relation to the Delaware Indian lands, the alleged enrichment of Harlan while

Secretary, and the payment of his son for services as messenger which, it was charged, had never been rendered.³³⁹ Several new charges now appeared for the first time. The one causing the greatest comment was to the effect that, contrary to law, Secretary Harlan had ordered the names of several hundred Indians to be placed upon the pension roll, and that thus the Government had been swindled out of a large amount of money.³⁴⁰

This charge, like most of the others, was made by H. V. Boynton, and it met with a vigorous denial by Senator Harlan. He showed that his reëxamination of the Indian claims in question was in the interest of justice and fairness to the claimants and of protection to the Government. Although it was the opinion of many competent officials in the Pension Office that these claims were valid, he was not willing that they should be paid without an investigation on the ground. Consequently he sent a trusted agent to visit the Indians, instructing him to "examine each case, take down the substance of the new evidence in writing, pay those who were found to be legally entitled, take their receipts in due form, and report those not found entitled to pensions under the law to be stricken from the rolls." Before the special agent made his report, Harlan had retired from the Cabinet, and hence could in no way be held respon-

sible for the final result. Furthermore, the special agent's accounts had been audited by the Treasury Department and not a voucher was thrown out.³⁴¹ It would seem that this frank reply, supported as it was, a few days later, by a publication of all the official documents connected with the affair,³⁴² would have closed the controversy; but, instead, it was continued with greater intensity than before, and was raging up to the day of the legislative caucus.

Another new attack upon James Harlan's administration of the Interior Department appeared in a Washington letter signed "Old Guard". Here it was asserted that Harlan had secured the passage of a joint resolution diverting a large sum of money for feeding and clothing the Indians in the Southwest; that this money had been wrongfully expended under the direction of Elijah Sells, the Indian Superintendent for that region, and with the knowledge and consent of Secretary Harlan. Enormous prices, as high as eight dollars a bushel, had been paid for grain, and a portion of the funds had been expended in Iowa during the senatorial campaign against Kirkwood in the fall of 1865.³⁴³ Senator Harlan was ably supported by Josiah B. Grinnell in repelling this unwarranted attack, proving that there was nothing fraudulent in the transaction and that, even if there had been, it could not be laid at

Harlan's door, since it was neither just nor customary to hold Cabinet officers accountable for the malfeasance of subordinates not appointed by them.³⁴⁴

But alleged corruption while Secretary of the Interior was not the only argument used against the reelection of Harlan during this heated contest. On the day before the convening of the General Assembly the *Iowa State Register*, which had suddenly deserted the Harlan standard after years of loyal support, published a concise list of reasons why James Harlan should not be returned to the Senate, which summarizes most of the charges made at one time or another during the campaign.

In the first place it was asserted that Harlan had lived almost entirely in Washington for eighteen years and therefore was not sufficiently acquainted with the spirit and needs of the people of Iowa to represent them faithfully. Then the sectional argument was urged that there had been, in all those years, no Senator from the northern part of the State. It was charged, also, that Harlan was a disturbing element in the Iowa delegation at Washington, that he had assumed a dictatorial attitude, and thus there was a lack of that harmony which should prevail in the delegation in order that the interests of the State should be promoted. Again, it was alleged that Harlan and his

friends had made his interests paramount to the success of the Republican party, and that in many districts at the past election they had labored to defeat Republican legislators who were opposed to him.

Finally, there was an appeal to the ill-feeling engendered by the contest of six years before when it had been asserted that Harlan had defeated Kirkwood by improper means. "An ex-Secretary of the Interior", was the editor's parting shot, "and a United States Senator of eighteen years' standing — a minister of the gospel appealing to a church organization to sustain him in a political contest — a Senator who has not, in eighteen years of political and ecclesiastical service, been able to make a reputation which he is willing to leave to his children and his children's children . . . should avoid the very appearance of evil, and especially should he avoid the help of questionable Republicans, and the help of Democrats traveling over the State in his interest, and the counsel of Democrats in the rooms which are his headquarters in the present contest."³⁴⁵

Apparently the insidious charges which had for six years been so persistently circulated, in spite of their proven falsity, worked like a slow poison upon the minds of many fair-minded people in Iowa, and prejudiced them to such an extent that they gradually came to believe

Harlan unsuited for the position. As to his confirmed enemies, their motive is too obvious to need explanation. Whatever the animus, the fact remains that in no other political campaign in Iowa has a candidate been subjected to such caustic criticism.

Senator Harlan remained in Washington until late in December and then journeyed to Des Moines in order that he might personally conduct his own campaign. Whatever may have been his attitude at former elections, there can be no doubt that this time he earnestly desired to be returned to the Senate and put forth his best energies to attain that end. On arriving in Des Moines he took rooms in which he might hold conferences with his followers, and he issued a public address to the people of Iowa replying once more to the principal charges made against him.³⁴⁶ But all his efforts were in vain. A vindication was denied him.

On the evening of Wednesday, January 10, 1872, the Republicans of the General Assembly met in caucus and, after two unsuccessful ballots, chose William B. Allison as their candidate for United States Senator by the narrow margin of two votes, but with a majority of twenty-three over James Harlan.³⁴⁷ One week later the General Assembly gave official confirmation of the choice and Allison was declared duly elected.³⁴⁸

“The surging, seething, tumultuous crowds who have poured through the halls of the Sav-ery for the last six or eight days have dispersed to their homes”, wrote a correspondent to a paper which throughout the campaign was loyal in Harlan’s support. “The Senatorial contest, just ended, has been perhaps the longest and the most intense of any ever witnessed in the State, and there will be a general feeling of relief that it is over, and of hope that whatever of bitterness it has engendered may speedily pass away.” Senator Harlan, said the correspondent, took his defeat gracefully. “He called upon his successful competitor soon after the caucus, congratulated him upon his triumph, remarking that he could not have been beaten by anyone whom he could congratulate more sincerely.”³⁴⁹ Other newspaper writers, the editor of the *State Register* included, also paid tribute to the dignity and good-will with which Harlan accepted his defeat.

Thus was the curtain rung down on the official career of James Harlan. Rising superior to the resentment natural to a man of strong feelings and acute sensibilities, though still smarting under the blows which he felt he had not merited, he courteously greeted the coming man and unobtrusively went his way. He was in the full vigor of manhood, being at the time only fifty-one years of age. There is always a

touch of pathos in the retirement of a man who has long rendered efficient service in public office. In Harlan's case the disappointments of public life are revealed in the advice which he gave a young friend on the evening of the State elections in October, 1871. On that evening Mr. W. I. Babb of Mt. Pleasant, later a District Judge, remained down town until long after midnight to hear the reports of election returns. On his way home he stopped at the telegraph office to learn the latest news. The only person in the little office besides the operator was Senator Harlan, whom he found looking over telegrams, many of which told of the defeat of his friends who were candidates for seats in the legislature. Mr. Babb inquired as to the nature of the returns, and the Senator handed him the dispatches one by one, commenting upon their unwelcome significance. Then after sitting in silence for a few moments he turned to the young man and said:

While you're a Democrat and I'm a Republican, we have never allowed our differences to interfere with our friendly relations. There are a few words I want to say to you now, and I'm going to talk to you as freely as though you were my own son. Whatever you do in the years before you, never allow yourself to be tempted to enter politics so far as to accept political office. At least, never until you are ready to retire from your profession and are fortunate

enough to have ample means so that you need have no anxiety about money matters.

Take my own case as an illustration. After leaving college I spent several years in educational work; then I studied law and, on being admitted to the bar, I practiced law for a time, and with a fair measure of success. I don't think I am egotistical, but I believe I could have succeeded as a lawyer. The presidency of our little University with its opportunities for usefulness first lured me from my profession, and the Senatorship closed all avenues of return to the bar. Many a time during those first years in Washington I longed to go back to Iowa and take up my chosen work where I had left it.

I have had a greater measure of success in political life than comes to the average man who enters politics. I have been in public service nearly twenty years. . . . I may not have acted wisely on all the important questions that have come to me for consideration. In looking back over my public career I can see where I would act differently; but I am conscious that in every instance I did and said what seemed to me to be wisest and best. . . . If during this period of my life I had given the same degree of devotion, energy and industry to my chosen profession, I am vain enough to believe I could have achieved a fair degree of success at the bar, and could have provided a fair competency for myself and family. In addition to that, I would now command the respect and confidence of my fellow-citizens and would have had before me a bright and happy prospect, with a promise of still greater achievements.

I went into politics under what seemed to be unusually favorable circumstances; and yet, what is the result? I am now only a little over fifty years of age — in the very vigor and prime of life. If I am defeated for reelection — as seems probable from these dispatches — there is not a thing on earth that I am fitted to do. At my time of life I could not hope to achieve anything by reëntering my profession — beginning at the foot of the ladder — and I have no training or experience in any line of business.

Instead of having the respect and confidence of my fellows, to which my faithfulness to public duty would seem to entitle me, nearly half the people of Iowa seem to believe me a very bad man — if not a rascal — and the rest seem not to know whether I am good or bad. The Democrats, you know, have been taught to believe me bad; and a large element in my own party have had this view urged upon them of late until they, too, have come to look upon me with distrust.

This is the reward politics offers for nearly twenty years of faithful and measurably resultful service! My friend, I do not say this with any feeling of bitterness. If I am defeated, my fate will simply be that of others who enter political life. I only refer to it to impress upon your mind this friendly injunction: Whatever you do, if you value contentment and happiness, never enter upon a political life. Its rewards are purchased at too great a price.³⁵⁰

In the gloom of that October night, Senator Harlan magnified the effects of the many and oft-repeated attacks upon his good name, and

minimized his own powers of usefulness outside of public life, as the remaining chapters of this work clearly show. The Senator returned to Washington and for the remainder of his term took his customary part in shaping legislation. At the close of the session he stepped from the stage of politics to private life at his home in Mt. Pleasant — a life destined to be marked by many distinguished honors and cheered by the love and esteem of his fellow-citizens.

XXV

CREDIT MOBILIER

BUT James Harlan was not permitted to retire without a final and searching test of the moral quality of his public career. The Credit Mobilier investigation early in 1873 was a source of much embarrassment to many of the foremost statesmen of the day, including prominent members of the Iowa delegation in Congress.³⁵¹ While every member of that delegation in any way involved in the scandal was freed from implication of guilt, the fact remains that they were temporarily put upon their defense. And it so happened that while James Harlan never owned any of the questionable stock, his name was given publicity through the admission of Thomas C. Durant, Vice President of the Union Pacific Railroad, that in 1865 or 1866 he had contributed ten thousand dollars to aid in securing the return of Secretary Harlan to the United States Senate.

Before both the Poland and the Wilson investigating committee Mr. Durant testified that he had sent two checks of five thousand dollars

to Harlan with the intention that they should be used for electioneering purposes. He stated, however, that this money had come entirely from his own pocket, that it had nothing whatever to do with the Union Pacific Railroad, and that he had never received reimbursement from the company. No amount of cross-questioning succeeded in shaking this statement or its corroboration by Henry C. Crane, who was Durant's confidential secretary and wrote the checks in question.³⁵²

"Mr. Harlan had been an old personal friend", said Durant when asked to explain the motives which induced him to contribute the money. "My personal intercourse with him had continued fifteen or twenty years. He lived on a rival line of railroad through Iowa to one in which I had long been interested, to be sure, but he understood the wants of the State, and, besides, he had been in Washington long enough to know how to care for the interests of the State here."³⁵³ Later when pinned more closely on this subject Mr. Durant declared that he had large financial interests in Iowa which caused him to take a deep interest in the political situation in the State. But again he insisted that in his motives there was nothing of corruption. "I cannot answer", he said, "any plainer than I have done. I desired to see him elected to the United States Senate. I sent it

out of friendship to him. That was a larger motive than anything else.''³⁵⁴

The facts thus brought out by the Poland and Wilson investigating committees were then considered by a special committee of the Senate, headed by Lot M. Morrill, appointed to weigh the evidence against members of the Senate. On February 13, 1873, Senator Harlan was summoned before this committee and subjected to a thorough and searching examination. He admitted that the money had been received, and that it had been used during the State campaign of 1865 in the payment of traveling expenses, printing bills, hotel bills, and the like. But he denied emphatically that the money had anything to do with the Union Pacific Railroad. It had been offered and accepted as between friends. In fact, he produced evidence to prove that when a story reached him to the effect that the money had really come from the railroad company, he had demanded to know the facts and had expressed his desire to refund the money if it came from Mr. Durant in his capacity of Vice President of the company.³⁵⁵

After weighing all the evidence the committee, which, it should be remarked, was made up of two Democrats and three Republicans, one of whom was said to be personally hostile to Harlan, embodied the following statement concerning James Harlan in their final report:

The evidence relating to Senator Harlan shows a transaction in 1865, while he was Secretary of the Interior Department. The transaction was not in its nature continuous, and it does not appear to have influenced his action as a Senator since his election [or that it was intended]; and, however strongly the committee would deprecate the use of money for purposes for which in this case it was contributed and used, and with whatever judgment they would visit any and all attempts by the free use of money to control the popular expression, they do not perceive that the conduct of Senator Harlan is affected by the testimony. The committee cannot, however, refrain to remark upon the fact that Mr. Durant, then the vice-president of the Union Pacific Railroad Company — a corporate creation of Congress, which would probably be again the subject of legislation — contributed \$10,000 with the avowed purpose of its being used in securing the election of Mr. Harlan to the Senate of the United States, he being at the time of its receipt the Secretary of the Interior.

This discloses an evil upon which the committee cannot too severely animadvert. The use of large sums of money to influence either popular or legislative elections strikes directly at the fundamental principle of a republican government. It excludes merit from public place and undermines the public and private virtue upon which alone republican institutions can stand. It cannot be concealed that it is one of the threatening dangers to the permanence of our Government, and one which calls for that popular rebuke which can come only, and should come speedily,

from the united voice of the virtuous citizens of the Republic, uttered at every stage of governmental action, from the lowest to the highest.

While this receipt and use of money is open to this censure, the evidence adduced to prove that Senator Harlan's action as a Senator was influenced by the gift thus made to him failed to establish any such result.³⁵⁶

This verdict, exonerating James Harlan from any connection with the Credit Mobilier scandal, has quite generally been accepted as satisfactory. The practice of using large sums of money for election purposes is, of course, to be deplored and condemned, but it was a practice common at the time, and has only been partially eliminated by restrictive legislation in our own day. It may be, also, that Thomas C. Durant was influenced by motives other than his personal friendship for Senator Harlan. But, as the committee stated, there is nothing to support the belief that Harlan's later course as Senator was affected by Durant's contribution. Indeed, his great service in promoting the Union Pacific Railroad came long before the Credit Mobilier investigation was ever dreamed of, and during his later years he evinced a tendency to oppose any measure that granted monopolistic powers to the Union Pacific. Finally, it should be remembered that Harlan left the campaign of 1865-1866 in the hands of his

friends, while he remained most of the time at his post in Washington, and thus he did not personally direct the disposal of the campaign funds, whatever the use which was made of them. The investigation failed to reveal a single instance of corrupt use of money, unless the defraying of traveling expenses, hotel bills, and the like, by such means was corrupt.³⁵⁷

The appearance of Harlan's name in connection with the Credit Mobilier investigation naturally caused a stir in Iowa, and there were many who had opposed him in the late senatorial contest who were ready to take up and magnify the transaction involved.

"The reply of Senator Harlan to the accusing evidence of his having been given by the Union Pacific Railroad Ring, \$10,000 to help purchase his re-election to the Senate in 1866, has been made", wrote the editor of the *Iowa State Register*. "It appeared as an editorial in his own paper, the *Washington Chronicle*, on Thursday morning. Contrary to common expectation, and as common hope, he does not deny the damaging charge, but confesses to its truth,—and, then for justification, elevates himself upon his personal dignity, and asserts that it is a matter which does not concern the public in the least."³⁵⁸ With this beginning, the editor proceeded to quote extracts from eastern newspapers supposed to be favorable to Harlan.

And for several issues he continued to denounce the Senator in strong terms for not making an explanation which he deemed adequate.

Other editors, however, from the very first refused to believe Senator Harlan guilty of misdeeds, and vigorously defended him against such assaults as those made by the Des Moines journal. The *Burlington Hawk-Eye*, especially, devoted many columns to the defense, declaring that the money had been contributed merely as an act of friendship and that if any wrong had been premeditated the transaction would have been kept under cover and would not have been carried out by means of personal checks which made discovery a simple matter. The editor did not pretend to know how the funds had been expended, but he asserted that under existing conditions a large sum of money was required to conduct a campaign for the senatorship, and expressed his opinion that Senator Allison had expended many times the amount of his salary to secure his election.³⁵⁹

“In accepting a gift from an old friend,” was the editor’s comment when the report of the Senate committee became known, “Mr. Harlan only followed the example of many of our leading public men from the days of the Revolution to the present. In spending a considerable sum of money in defraying the expenses of an election in which he was himself a candidate, Mr.

Harlan only did what is annually done by ninety-nine hundredths of all candidates for high offices of all political parties. There being not one shred of evidence that any of this money was corruptly used, our readers will see that the Senate Committee in exonerating Mr. Harlan have only done what they were compelled to do by the circumstances of the case.”³⁶⁰

XXVI

THE HONORS OF RETIRED LIFE

WITH feelings of mingled relief and regret the Harlan family closed their Washington residence, bade farewell to their many friends at the national capital, and turned their faces toward the old home at Mt. Pleasant, Iowa — a home endeared to them by many pleasant associations. To their old-time friends and neighbors, and to the faculty and students of the university which James Harlan had really founded, the opening of the Harlan home was a welcome event. After the first disappointment following defeat there was much of comfort and consolation in the renewal of simple home life, surrounded by the friends of former days and a younger generation of friends no less loyal than their fathers and mothers, and the opportunities which came to him for active participation in the social, educational, and religious life of the community and State.

But he was not permitted to remain in unbroken enjoyment of home life. Still in the full possession of his physical and mental powers,

his active support was solicited — rarely in vain — for many a worthy cause. His forceful oratory was in requisition at political conventions, and at patriotic, religious, and educational gatherings; and it was not long until James Harlan, the citizen, was given full and generous recognition as a man peculiarly entitled to render high service to the community and the State. From many unexpected sources came urgent calls for his presence and influence, and, in response to as many invitations as he could reasonably find time to fill, he cheerfully sent his acceptance. Thus, in quiet but useful retirement, passed the first few years of James Harlan's life as a private citizen at Mt. Pleasant.

In 1875, however, Mr. Harlan was plunged once more, and for the last time, into the maelstrom of a political contest in which he was a candidate. In spite of the reappearance of the libelous charges used with telling effect in 1871–1872, and notwithstanding the embarrassments following the Credit Mobilier investigation, the friends of the ex-Senator, under the leadership of Frank Hatton, editor of the *Burlington Hawk-Eye*, organized a remarkably vigorous movement to return Mr. Harlan to the Senate in 1876, to succeed Senator George G. Wright, who had declined a renomination.³⁶¹ Although the candidates for the senatorship at this time

included such popular men as Samuel J. Kirkwood, William W. Belknap, Hiram Price, and George W. McCrary, the opening of the brief legislative campaign in January, 1876, revealed the fact that the Harlan candidacy was formidable, every day giving it added strength and its supporters increased confidence.

The change in the attitude of many people toward Harlan since the bitter Harlan-Allison contest is revealed in a statement in the *Iowa State Register*, which had been so outspoken in its opposition during the previous campaign and at the time of the Credit Mobilier scandal. On January 8th it informed its readers that the editor had been asked to publish "a severe personal arraignment of Mr. Harlan", but had declined. One reason for his refusal was that "some of the charges they deal with have been explained or disproved, as in the Cherokee Land Case, the Supreme Court of the United States having since ratified Mr. Harlan's action in that matter."³⁶²

The day of the Republican caucus, January 12, 1876, saw no diminution in the confidence of the supporters of James Harlan, but the candidate himself was strangely silent and dejected. The caucus met in the evening at the appointed time, and before a vote could be taken John S. Woolson arose and, after commenting upon the great service which Harlan had rendered to the

Republican party, the State, and the Nation, presented the following communication from the candidate:

For reasons which I hope to make satisfactory to my friends, I request that my name may not be submitted to the Republican caucus this evening as a candidate for the nomination for the United States Senate. Be good enough to communicate my wishes in this respect to my other friends among the members of the General Assembly.³⁶³

“Mr. Harlan we considered,” commented a Des Moines editor, “as the public generally considered him, from the first, the second man in strength in the fight. We think, too, that his withdrawal insured the election of Kirkwood. It was considered a general sign that the field was abandoned to the Governor, and so several of Harlan’s supporters went straight to the winning camp. . . . Such a course left him without the weight of direct defeat to bear, gave the other candidate a clear field, and took him out of the contest in a better shape than anything else besides a nomination could have taken him.”³⁶⁴

Whether or not Mr. Harlan would have received the nomination, had his name not been withdrawn, is a question on which there was difference of opinion at the time, and one to which no satisfactory answer can be given. It is not believed that he would have permitted his

name to be used until such a late hour if his withdrawal had been influenced to any considerable extent by fear of defeat. In fact, the immediate and pathetic cause of his withdrawal was made known soon after the adjournment of the caucus and was respected as valid by both friends and opponents.

On Wednesday afternoon, preceding the caucus, Mr. Harlan received a telegram from San Francisco announcing that his only son, William, while on his way to southern California for his health, had become dangerously ill. While the final work of alignment for the caucus was in progress, the distracted father was anxiously waiting—not for word from his supporters, but for news from his son, dying among strangers, thousands of miles from home. A hemorrhage of the lungs had suddenly placed the young man's life in serious jeopardy. At three o'clock on the following morning Mr. Harlan took a fast train for San Francisco, and at Council Bluffs he was joined by Mrs. Harlan who had hastened on from Mt. Pleasant.³⁶⁵ "In his lonely trip . . . to meet his son, the hearts of thousands of friends and all true Iowans will follow him," was the sympathetic comment of the *Iowa State Register*, "wishing that oblivion may banish any word or act which may have given pain to a public servant whose distinguished labors as an educator at home and

more conspicuous services in the Senate and Cabinet at Washington give him a first position among American gentlemen and statesmen.”³⁶⁶

The death of William Aaron Harlan occurred in San Francisco on the 20th of January, 1876, in the twenty-fourth year of his age.³⁶⁷

A period of five years now ensued before the tranquillity of James Harlan's life was disturbed by the possibility of candidacy for office. Early in August, 1881, he was nominated for State Senator by the Republicans of Henry County. The action of the nominating convention was a surprise to him, and the honor was the more keenly appreciated because not a few of the delegates who conferred upon him this mark of esteem and confidence had ten years before been arrayed against him in his candidacy for the retention of his seat in the Senate.

The preliminary campaign for the nomination had developed two strong candidates, John S. Woolson and Joshua G. Newbold, and feeling ran high between the adherents of the two men. It soon became evident that the nomination of either one would anger the friends of the other and endanger the ticket. Consequently the result of several informal conferences was an agreement to withdraw both of the rival candidates and unite upon the nomination of Harlan, the two contestants voluntarily withdrawing in

favor of their mutual friend. In the convention the nomination was made by Mr. Woolson and seconded by Mr. Newbold, and was carried without opposition amid much enthusiasm.³⁶⁸

James Harlan at first reluctantly accepted, but, on mature reflection, decided to decline the nomination. In a published letter he frankly told his friends and neighbors that his first thought had been that he should decline because of private business claiming his attention, but he had been induced to accept by the evident desire of the people of Henry County that he should make the campaign. Upon further thought, however, he had concluded that there was no necessity compelling him to reënter politics. He believed the convention intended the nomination as "an honor in the nature of a benefit to be conferred" upon him, and that "the chief consideration moving the convention, was to compliment" him "with the highest official distinction within their gift." He keenly appreciated the compliment, but felt it his duty to decline.³⁶⁹ The county committee, therefore, reluctantly filled the vacancy by naming in his stead Lot Abraham.

The *Burlington Gazette*, a Democratic journal, in commenting upon Harlan's declination, remarked that it was not improbable that he would be called to President Arthur's Cabinet. "Iowa will no doubt be conceded a representa-

tive among his advisers," said the editor, "and who so well fitted to accept the position and find its duties and surroundings congenial as Mr. Harlan?"³⁷⁰

James Harlan was not called to President Arthur's cabinet, however, and the summer of the following year, 1882, found him actively enlisted in the campaign in support of the proposed amendment to the State Constitution prohibiting the manufacture and sale of intoxicating liquors, which was to be submitted to a vote of the people on June 27th.³⁷¹ He carefully prepared a logical address which was delivered on several occasions and contributed materially to the success of the movement for constitutional prohibition. Prefacing his general argument by a statement of his belief that there was no cause for alarm even if the amendment should be rejected, since the same result might then be accomplished by legislation, he proceeded to discuss the question in true debater's fashion, taking up first the evil to be remedied; second, the existing method of regulation; and third, the proposed remedy.

The evil complained of was "inebriety and drunkenness, and their necessary incidents, such as idleness, profligacy, disease, poverty, vagrancy, pauperism, vice and crime." Everyone admitted the gigantic proportions of the evil. It was therefore the duty of the State to

protect the individual from drunkenness on the same principle that the imbecile, the insane, and other unfortunate people were cared for, for the drunkard was more to be pitied than to be punished. "The people of the State," he said, "under their own self-government, cannot escape the responsibility of protecting these members of civil society, and doing whatever may be properly done to prevent a continuance of the evil."

The evil, moreover, was not limited merely to the individual victim, but fell even more heavily on their families and finally upon society itself. Not only were the hundreds and thousands of people destroyed by the drink evil a direct loss to society, but the results of drunkenness imposed an immense financial burden from which it was right that the State should seek release, if release could be secured "without the sacrifice of paramount interests." The inalienable right to "life, liberty, and the pursuit of happiness" was the corner stone of our government, but in practice these rights had certain "well defined and distinctly understood limits." Life and liberty might both be taken as punishment for crimes, and property was subject to seizure by the government for a great variety of causes. And in the same way there were limitations upon the pursuit of happiness. "Each citizen may without restraint 'pursue his own happi-

ness' in his own methods," Harlan maintained, "so far forth as this may be done without interference with the rights of others individually or collectively."

Therefore, the State might regulate the manufacture and sale of intoxicating liquors, even though the rights and liberties of a few individuals might be restrained thereby. In fact the people of the State, almost without exception, had long recognized the need of regulation. There had been two leading methods of restraint advocated: the license system and prohibition. The former had prevailed for a time, but had been superseded by the latter which was in force at that time, although it was objected to on the grounds that it was not and could not be enforced. "But to assert that the existing prohibitory law is not and cannot be enforced," Harlan declared, "is begging the question. That it is but imperfectly enforced may be granted. That it is almost a dead letter in some places in the State, is freely admitted." But the same objection might be urged against any number of other laws. The chief reason, in his opinion, for the non-enforcement of the prohibitory law was the exemption of wine and beer, the very defect which the prohibitionists were now endeavoring to remedy. If absolute prohibition could not be enforced, why were the liquor dealers so much alarmed and why were

they working so hard against the amendment?³⁷²

With this query Mr. Harlan closed the address, which throughout was free from fanaticism or narrowness. Its appeal was to reason rather than to prejudice and consequently brought conviction to many of its hearers. The amendment was adopted by a decisive vote on June 27th, only to be declared invalid by the Supreme Court a few months later.

The close of this campaign was soon followed by the bestowal of a signal honor on James Harlan. Although President Arthur did not call him to a seat in his Cabinet he appointed him as one of the three judges of the second Court of Alabama Claims, the other two being H. G. Wells and Anson French. Upon the death of the former soon after the organization of the court, Mr. Harlan succeeded him as Chief Justice.³⁷³

The first Court of Alabama Claims was established in the early seventies; the second was created in 1882 and continued until 1886, when, having completed the duties for which it was appointed, it was formally closed. These courts heard the individual claims against the fund of \$15,500,000 awarded to the United States against Great Britain by the Geneva Tribunal, on the ground that losses aggregating that amount had been suffered by the commerce of

the United States through the depredations of Confederate cruisers which the English government had allowed to be constructed in British shipyards.

The first Court heard the claims for direct losses and made awards amounting to something over nine million dollars. The balance was invested in United States bonds, and during the following years was considerably augmented by the interest which accrued. Then in 1882 Congress passed an act creating a second Court, with authority to hear any belated claims for direct damages, as well as claims which had arisen indirectly — as, for instance, those which resulted from the payment of premiums to insure marine property against war risks.³⁷⁴ The awards made by the second Court under this act amounted to a sum of money largely in excess of the unused balance, and many of the claimants received but fifty-four per cent of the amount of their claims.³⁷⁵

“The association with Senator Harlan upon this Court was a continual delight to me”, writes Andrew S. Draper, who was appointed to fill the vacancy in the Court caused by the death of Mr. Wells and the promotion of Mr. Harlan to the presiding judgeship. “He was a good lawyer; indeed, it would hardly be too much to say that he was a great lawyer. Of course, he had never been much in the mere

routine of a legal practice, but he knew the sources, and the history, and the philosophy of the law; and he was by temperament a Judge.”³⁷⁶

It was during his service on the Court of Alabama Claims that James Harlan suffered his greatest bereavement. On September 4, 1884, his wife, Ann Eliza Harlan, died at Old Point Comfort, Virginia. “Her body was interred in Forest Home Cemetery, Mt. Pleasant, Iowa, by the side of her three departed children — two sons and one daughter — with military honors. The members of McFarland Post assembled in their hall and after the adoption of resolutions of regret, condolence, and gratitude for her eminent services in the army, followed her in a body, on foot, from her late home to her final resting place, where every spring, on Decoration Day, her grave is marked with her country’s flag, by order of the Post, and strewn with flowers by the loving hands of the members of the loyal Women’s Relief Corps.”³⁷⁷

Ann Eliza Harlan was one of that band of brave women who have often been referred to as the Florence Nightingales of the Civil War in America. Very early in the war she devoted all her time and energies and all the money which the family exchequer would permit to visiting and caring for sick and wounded soldiers in the field. Her first-hand knowledge of

conditions, transmitted to the Government at Washington through her husband, had much influence in awakening the Nation to the crying need for the proper care of its soldiers. Her services may best be summed up in the tribute of a contemporary:

I claim for the State of Iowa the honor of inaugurating the movements which at last culminated in making of the nation the greatest benevolent society which ever existed save that whose founder was God himself. Mrs. Harlan, wife of the honorable James Harlan, then United States Senator, now Secretary of the Interior, was the first woman of our country among those moving in what we call the high circles of society, and which in a free country should be based upon worth alone, who personally visited the army, and ministered to the wants of our suffering soldiery. She visited the army at Pittsburg Landing, and thousands of men are alive to-day, who but for her ministering visits to the field of Shiloh, but for her energy, for her "out-ranking Halleck," might have been rudely buried on that bloody field. . . . She at first devoted her energies to caring for the volunteers from our own State, but afterwards gave her time and labors to the general cause, for the good of which she braved the storms of ocean, many journeys to the army, many sneers of upstart officers, but lived to see her efforts crowned with splendid success, and her name blessed in nearly every city, town, and hamlet in the land.³⁷⁸

XXVII

THE CONVENTION SPEECH OF 1893

ON August 16, 1893, James Harlan at the age of seventy-three achieved what in many respects was the most signal triumph of his whole political career. On that day, as temporary chairman of the Republican State Convention, in session in Des Moines, he delivered a speech which will long be remembered as one of the landmarks in the history of the Republican party in Iowa.

The question of prohibition which was submitted to the voters of Iowa as a constitutional amendment at a non-partisan election in June, 1882, took new form when the Supreme Court of the State pronounced the amendment invalid because of a technical defect in its passage through two successive General Assemblies. In response to the demands of an indignant majority, the Republican party promptly placed itself on record in favor of giving statutory prohibition a full and fair trial; and as a result the legislature in 1884 passed a rigid prohibitory law, which was supplemented by added

provisions in 1886. Thus the non-partisan issue of 1882 became a partisan issue to the serious embarrassment of the Republican party, and with fearful loss to the prohibition cause, through non-enforcement, especially in the river towns and in the larger cities of the interior. In spite of the acknowledged failure of the law in many localities and the consequent growing dissatisfaction on the part of the people, the Republican party in its platforms continued to give vigorous support to statutory prohibition. The result was that in 1889 the party in Iowa suffered the first defeat in its history, and met the same fate again in 1891.³⁷⁹

Many friends of the temperance cause, painfully aware of the mistake which had been made in attempting to make prohibition a test of party fealty, took counsel together as to the best method of correcting the mistake. These counsels resulted in a determined effort to rid prohibition of the incubus of partisanship, and at the same time to relieve the Republican party of a local issue on which it had gone down to defeat. Casting about for someone who shared their fears for the cause of temperance and for the future of the party, which had attempted to do as a party what could only be accomplished by the combined efforts of good citizens without regard to politics, the Republican State Central Committee united on James Harlan for

temporary chairman of the State Convention on August 16th. Harlan's breadth of view on the temperance question and his years of experience and observation made him peculiarly fitted to speak words of wisdom to a distracted political party.

"To me it is indeed a great inspiration to look into the patriotic faces of such an assemblage of representative Iowa Republicans", said the temporary chairman in opening his speech. "There are enough of us here today to revolutionize, as far as needful, the politics of our state, and to set the pace for the greatly needed reform in the politics of the National congress and administration." But these ends could only be accomplished by harmony and persistent work. The country had often "witnessed the overthrow of distracted majorities by united and harmonious minorities." Moreover, he warned the convention that as "intelligent farmers would not rely on the labor put forth on these beautiful Iowa fields last year, as being sufficient to secure abundant harvests this year, we must not rely for future political victories on the splendid record heretofore made by 'our grand old party' ". These "trite observations" he hoped were not inappropriate in view of the fact that the Republican party no longer held the triumphant position either in the State or the Nation which it had once held.

Nomination by a Republican caucus or convention no longer meant certain election.

The speaker then outlined the fundamental policies of the Republican party. "Adhesion to those fundamental principles", he said, "is Republicanism as your temporary chairman understands it. And if I do not know what Republicanism and its legitimate fruits are, who does?" For this apparently egotistical query he proceeded to give ample justification:

Am I not one of those who were present at the party's birth? Who stood by the cradle of freedom in which it was rocked? Who helped to bear its shield when it was still small and weak and needed defenders against its giant foes? Who saw it develop a lusty body, a great heart and a magnificent brain, no longer needing or tolerating guardianship? Who stood by it when it first stretched forth its strong arms and grasped the scepter of National power from the trembling hands of an effete Democracy that, having outlived its patriotism, was found to be no longer fit to govern a free people? Who saw the young giant party, in the presence of an empty treasury and general bankruptcy, sweep away the "wild cat" money with which the Democracy had cursed the country, and substitute sound National currency? Who saw it when the country was stripped by the Democracy of adequate means of military defense, organize and equip the greatest armies and create invincible navies? Stand off, by statesmanship, the hostile diplomacy of Europe, and by its military genius restrain the organ-

ized "copperheads" and armed knights of the "Golden Circle"—spawn of the Democracy of that period—in the loyal states, while it crushed the Confederate armies in the rebel states? Who saw it knock the shackles from the limbs of millions of slaves, notwithstanding the protests of the Democratic party; both north and south? Who saw it reorganize on the basis of freedom and equality all the recent insurrectionary states and restore them to their former places in this Union, strengthened by the admission and also a score of new states? Who saw it, without firing a gun, drive the French out of our sister republic of Mexico, compel Great Britain to pay for the damage done us by her illicit cruisers, and induce all the great nations to abrogate their old-time dogma, "once a subject, always a subject," admit the validity of our naturalization laws, and the equality of naturalized citizens with native-born citizens before all international tribunals? Who saw it grant homesteads to all citizens wishing to occupy agricultural lands, open up the rich gold and silver mines of our vast mountain ranges, connect all parts of our great country, extending from sea to sea, by steam railways, cover our internal waters with convenient means of cheap transportation, fill our country with free schools and agricultural colleges, and so foster our agricultural, mechanical, mercantile and manufacturing interests as to more than double our country's population and to quadruple our nation's wealth in a period of only thirty years?

Did the recent defeats mean that the Republicans of Iowa and the Nation had repudiated the principles and records of their party? Mr.

Harlan believed that there was no justification for such a belief. In his opinion the real cause for the defeats of the party was the lack of harmony resulting from the incorporation into the party's platform of "specific statutes or proposed statutes, instead of principles, on which statutes should be founded". "In the practice of this sort of un wisdom here in Iowa," declared Mr. Harlan, "we may certainly find sufficient cause for our successive defeats in the gubernatorial contests of 1889 and 1891, whatever may be thought of the causes of our national defeat in 1892." The particular statute, which the Republican party in Iowa had advocated to its sorrow, was, of course, the prohibitory law, although at no time in his speech did Mr. Harlan refer to it by name.

It was conceded by everyone that in Iowa the Republicans outnumbered all other political parties combined. And, believing, as all members of the convention did, in the soundness of Republican principles and the dependence of the welfare of the country and State upon the enforcement of those principles, it was the solemn duty of the convention to lead the party once more to victory. The only impediment, he said, "to our rightful triumphs from year to year has been of our own creation; merely inharmony among ourselves arising over the discussion in our political campaigns of

questions lying outside of the legitimate purview of the principles of the party to which we belong", questions which should be left to legislative decision. If the party should drop these unfortunate controversies it would be fulfilling the command given in the Sermon on the Mount: "And if thy right hand offend thee cut it off, and cast it from thee; for it is profitable for thee that one of thy members should perish, and not that thy whole body should be cast into hell."

Applying this injunction to the present situation, the speaker concluded that the calamity to be avoided was "being cast a third time in three consecutive gubernatorial contests, under the feet of the Democratic party. Surely that would be hell enough for any patriotic Republican weak enough and blind enough to assist in bringing on such humiliation." He had profound respect for men who would do right "if the heavens fall", but he did not think it necessary that any member of the convention should "strive to be better and wiser than the Son of God in the practical affairs of this life." The speech closed with an eloquent appeal for harmony:

Gentlemen of the convention: Are we not wise enough to cast out from among us all apples of discord, reëstablish harmony and concord in our own ranks, stop fighting each other, and once more turn

all our guns on the common enemy? Do this and it requires no gift of prophecy to foretell that when the smoke of the pending battle shall have lifted, victory will be seen as of yore, perching on our Republican standards. The official control of Iowa will have passed fully into the hands of the majority of her people, where it rightfully belongs; and last, but not least, Iowa's clear, strong, Republican voice will continue to ring out over the Nation from the chamber of the senate of the United States, as it has been heard ringing continuously during the last thirty-eight years.³⁸⁰

To this day, men who sat under the influence of James Harlan's oratory on this occasion unite in declaring that rarely, if ever, have they seen and felt a convention so moved by human utterance. "After he had outlined the principles of Republicanism," says the *Iowa State Register*, "the speaker set the convention wild by saying: 'These are the principles of Republicanism as your temporary chairman understands them, and if I don't know what Republicanism is, who does?'" The convention burst forth into a tremendous storm of applause and interfered for several minutes with the speech. It was the tribute of the present generation to a man who is a part of the history of the party and the Nation." And the entire speech "was received with such strong approval as to indicate the certainty of perfect harmony."³⁸¹

It is generally conceded that this speech had the result of re-uniting the Republican party in Iowa by the abandonment of its ill-fated support of a State-wide prohibitory law. In the platform adopted by this convention the party declared:

That prohibition is no test of Republicanism. The General Assembly has given to the State a prohibitory law as strong as any that has ever been enacted by any country. Like any other criminal statute, its retention, modification or repeal must be determined by the General Assembly, elected by and in sympathy with the people, and to it is relegated the subject, to take such action as they may deem just and best in the matter, maintaining the present law in those portions of the State where it is now or can be made efficient, and giving to other localities such methods of controlling and regulating the liquor traffic as will best serve the cause of *temperance and morality*.³⁸²

James Harlan's plea for harmony was not in vain, and the prophecy uttered in his closing words was amply fulfilled. Freed from the weight of State-wide prohibition the Republican party went into the campaign with old-time vigor and elected its entire State ticket by handsome pluralities.

XXVIII

LAST YEARS

THE years of James Harlan's life were now drawing rapidly to a close. But age did not bring any appreciable diminution in mental capacity or any lessening of his interest in public affairs. Since 1888, Mr. Harlan had been a member of a commission appointed to consider plans and secure contracts for the erection of a Soldiers' and Sailors' Monument on the capitol grounds at Des Moines, and to superintend the work of construction.³⁸³ And on September 6, 1894, at the laying of the corner stone of the monument he represented the commission as orator of the day.

"Standing here on the summit of these Des Moines hills," he began, "in the shadow of Iowa's state capitol, to initiate, as spokesman for the commission, the erection of a monument to commemorate in art, the patriotic deeds of our heroes, human language is too feeble to fitly express my emotions. Fifty and one years ago I first saw that great river styled 'an arm of the sea' which flows along our eastern border." He

then pictured in a few graphic words the growth and development of the State of Iowa in those fifty years, and traced the history of the movement which resulted in the erection of the monument for which the corner stone was to be laid. After describing the monument as it would stand when completed, and recounting briefly the services of the various Iowa regiments, he declared that neither this monument nor all the monuments of the world could “adequately express Iowa’s appreciation of the patriotic deeds of her immortal heroes”. And he hoped, in conclusion, that this monument would be “only the pioneer of still greater works of art hereafter to arise in honor of our fellow citizens who offered their lives for their government, for their country, for civil liberty and for the human race, until these Des Moines hills shall be radiant with their glory”.³⁸⁴

As the erection of the monument progressed the press of the State was filled with complaints, insinuations, and charges, the trend of which was that personal and regimental favorites — chiefly residents of southeastern Iowa — had been chosen for representation among the various figures on the monument, and that whole sections of the State and entire brigades had been ignored. In response to these complaints Mr. Harlan wrote a magazine article which did much to bring the discussion to a close.³⁸⁵

A sequel to the great convention speech of 1893 was a strong popular movement in 1895 to make James Harlan Governor of Iowa. The movement seems to have originated with the *Burlington Hawk-Eye*, a paper which from the very beginning of Harlan's public career had been one of his most ardent champions. The suggestion thus made was received with much favor in various sections of the State, and by the first of July there were confident predictions that the ex-Senator would receive the Republican nomination, in spite of the acknowledged strength of General Francis M. Drake.³⁸⁶ The chief argument used against Harlan was his age, but his supporters insisted that in this case it was not a valid objection, since he was still possessed of vigorous physical and mental strength, and in point of experience out-distanced any other man in the State of Iowa.

The Republican State Convention was held at Des Moines on July 10, 1895. Six ballots were required to nominate a candidate for Governor, and on each ballot James Harlan stood second to Francis M. Drake. His greatest strength appeared on the fourth ballot, when he received three hundred and eighty-four votes. On the sixth ballot, however, there was a stampede to Drake who was nominated by an overwhelming vote.³⁸⁷

“In failing to accept Senator Harlan as its

standard bearer'', declared the *Iowa State Register*, "the Republican party of Iowa did not in any way reflect upon the man or his career. The man stands out as one among the great men connected with the history of the state, and his career is complete, as to honors, without the addition of the governorship. . . . The speech he made before the convention two years ago was as distinguished a service to the party and the state as two ordinary years in the governor's chair. Senator Harlan is not in need of mock condolences. He has been in battle and been defeated before. He knows the course of politics. . . . In appearing as a candidate for the nomination he honored the party and added new luster to the great office of governor of Iowa."³⁸⁸

That the words of the Des Moines editor were a faithful expression of the attitude of the people of Iowa toward the veteran statesman is evidenced by the fact that two years later James Harlan again received strong support for the nomination for Governor. On the four ballots required to nominate, Harlan had a substantial following, although not of sufficient strength at any time to place him among the leaders or to give him any real hope of election. The fourth ballot resulted in the choice of Leslie M. Shaw.³⁸⁹

The last public event in which Mr. Harlan

took a prominent part was the laying of the corner stone of the Historical Building at Des Moines on May 17, 1899, on which occasion he was President of the Day. The ceremonies connected with this event brought together a large number of pioneers and distinguished citizens from all parts of the State, and the assemblage at the northeast corner of the capitol square was said to be one of the largest in the history of Des Moines.

On taking the chair Mr. Harlan delivered a brief but impressive address. "This is not a trivial event", he said. "It will mark an epoch in the development of our civilization as a commonwealth." He retold in vivid outline the story of the growth and development of the State and Nation, and emphasized the record the people of America had made for "domestic comfort, mental and moral culture, stern honesty and unbending probity, public and private honor, and unyielding courage coupled with ample generosity".

"But", continued the speaker, "in the collection and preservation of emblems and memorials of our own activities in the settlement and development of our own beloved State — in the erection of monuments allegorically representing our own achievements . . . we Iowans have less cause for congratulation." He called attention to the fact that in this

respect Iowa was far behind many other States, even in the West, and especially Wisconsin, where there was a splendid collection of historical materials. "And we cannot easily forget", he reminded his audience, "that at the Columbian Exposition, in the city of Chicago, six years ago, the Iowa people failed to produce a single specimen of art work deemed, by the art commissioners, worthy of a place in the great art galleries, by the side of exhibits from our sister states, and from the old nations of Europe." Therefore, it was a significant promise for the future that they were met that day to lay the corner stone for a "Memorial, Historical and Art Building" for the State of Iowa.³⁹⁰

During the summer following this address Mr. Harlan journeyed to Omaha, Nebraska, to pay a last visit to his life-long friend, Alvin Saunders, then in feeble health. Alvin Saunders was a State Senator when James Harlan was first elected to the Senate of the United States, and the voluminous correspondence which passed between the two men at that time leaves little doubt but that to Saunders, more than to any other one man, was Harlan indebted for the success of his first candidacy for the senatorship. Saunders, in turn, owed to Senator Harlan his appointment by President Lincoln in 1861 as Governor of the Territory of

Nebraska, a position which later led to a seat in the United States Senate. Consequently this visit between the two men who had known each other so long and intimately, and who had been of such great service to each other, was keenly enjoyed by both.³⁹¹

On Saturday, September 30, 1899, Mr. Harlan presided over a district conference of laymen of the Methodist Episcopal Church which met at Mt. Pleasant. He had been invited to deliver an extended address on that occasion, but was compelled to decline in order that he might reserve his strength for the following day, when the duty of inducting into office the newly elected President of Iowa Wesleyan University would devolve upon him as president of the Board of Trustees. During Sunday he contracted a severe cold which by night developed alarming symptoms. On Monday the sufferer experienced some relief, but Tuesday brought a relapse which revealed the fact that death was imminent. Mr. and Mrs. Robert T. Lincoln had early been summoned to his bedside, and they arrived in time to comfort and care for the father during his last hours. On Wednesday night Mr. Harlan bade his daughter an affectionate "good night". The following morning found him deprived of the power of speech. He died on the forenoon of Thursday, October 5, 1899, in his eightieth year.

On learning of the death of the Iowa statesman, Governor Shaw promptly issued a proclamation making formal announcement of the passing of "one of the really great men of the nation", who, in his fourscore years of usefulness "had done the nation high service and reflected luster on the state of his adoption." Special reference was made to the fact that James Harlan's chief service had been rendered "during the most critical period in the history of the republic, when great armies were striving to subvert it, and when not only valor and efficiency in the field, but the highest character of statesmanship in council, was needed. It was here that the greatness of the man was made apparent, and where he rendered service of momentous value to the nation." The Governor therefore directed that the flags on all public buildings be placed at half-mast until after the funeral, and suggested "that the school-houses throughout the state display a similar token of mourning in honor of the first official head of the educational forces of Iowa."³⁹²

The funeral services were held in Mt. Pleasant on Monday, October 9th, in the presence of the largest funeral assemblage ever gathered in that community. Business was suspended, the public schools, the post-office, and the county offices were closed, and the main street of the

city was draped in mourning. The body lay in state for several hours, guarded by college students, and nearly every man, woman, and child in Mt. Pleasant paid tribute to the honored dead. It was eminently fitting that the services should take place in the chapel of the Iowa Wesleyan University, which may be justly regarded as a monument to James Harlan's unwearying devotion to the cause of education.

The funeral services were conducted by Dr. C. L. Stafford, the retiring President of the University, and Dr. F. D. Blakeslee, his successor.³⁹³

In the procession to the cemetery the members of the local Grand Army Post, of which James Harlan was an honorary member, were accorded first place. Followed by the surviving members of his family, his old-time friends and fellow-townsmen, educators, members of the bar, friends who had served with him in public life, and the student body whom he had long regarded with a fatherly affection, the remains of the departed statesman were committed to the grave, beside those of the members of his family who had gone before.

In May, 1907, the old homestead of Senator and Mrs. Harlan passed by gift from the possession of Mrs. Robert T. Lincoln to the Iowa Wesleyan University, the institution for which James Harlan had sacrificed his ambition as a

lawyer and to which he had always given freely of his sympathy and of his means. The historic home of the University's first President, in which many of America's statesmen, educators, and preachers in their time found hospitable welcome, is therefore fittingly used at the present time as the home of the President of the University.

In the same year, 1907, the State of Iowa paid high tribute to the memory of James Harlan. Congress had passed a law authorizing each State to provide statues of two of its illustrious sons not then living, and to have them placed in the National Statuary Hall in the capitol building at Washington, D. C. In accordance with this authorization, the Thirty-second General Assembly of Iowa passed an act declaring that James Harlan was "worthy of being selected as one of the citizens of Iowa whose statue shall be placed in the said national statuary hall", empowering the Executive Council to provide a suitable statue, and appropriating the sum of five thousand dollars for that purpose.³⁹⁴ The statue thus provided for was executed, first in clay and then in bronze, by Miss Nellie V. Walker of Chicago, and now occupies its place along with the statues of those who in their time reflected high honor upon their respective Commonwealths.

On the highest ground in the cemetery at Mt.

Pleasant rises a plain granite shaft, and near it is a group of granite headstones upon which are carved the initials of the members of the Harlan family whose remains lie buried there. Visitors are directed thither that they may look upon the last resting place of the simple, great man who years ago went in and out among his fellow-townsmen, at one with them in all the interests which tend to ennoble and elevate community life.

XXIX

SPEECHES AND ADDRESSES

LITTLE remains for the biographer of James Harlan but to outline a few significant public utterances during the Senator's years of retirement, in order to discover if possible the trend of his thought during what may be called the reflective period of his life. These speeches and addresses, some of which have been noted in other connections, cover a wide field of topics and reveal the breadth of the ex-Senator's interests and sympathies.

Coming to Iowa just before the transition from Territorial to State government, Mr. Harlan was naturally in demand as a speaker at "Old Settlers' Meetings". A typical address of this kind, and apparently the first one, was delivered in the summer of 1885 at a gathering of old settlers of Henry County. "I have doubted that I have a right to be considered either a 'pioneer' or 'an old settler'", he facetiously remarked. "It has been only about forty-four years since I first saw Iowa; and only a little more than thirty-nine years since

I became a continuous resident. And this is the first time I have been invited to meet with the 'old settlers'. The omission to extend me such invitation heretofore may, however, have been on account of my youthful appearance. . . . But possibly I may now for the first time have attained the necessary antiquity".

His thoughts went back to the time in 1841 when he first saw the Mississippi and crossed it to visit the then small village of Burlington. "It does not seem to me so very long ago", he said. "But the towns were not large then. And there were not many of them. The settlements were small and thin and widely scattered. The whole number of the white population in the territory according to the census taken the year previous, was only about forty-three thousand. The red deer, elk and buffalo were far more numerous,—with now and then a panther or black bear,—and multitudes of wolves and millions of prairie chickens. The Indians seemed to be about as numerous as the white people."

The settlers with whom he had talked in 1841 firmly believed that Iowa would never become a State. They thought that "it would in time be settled in a strip of land along the west side of the Mississippi River," and a short distance up the larger tributaries. "All westward was believed to be a treeless plain And all

the north-west part of the territory was supposed to be covered by lakes, ponds, and trackless swamps; a fit abode only for otter, beaver, musk-rats, and such amphibia,—and ducks and geese and other water fowl.” And yet he, and nearly everyone of his hearers, had seen and were a part of the marvelous growth and development which had taken place since these pessimistic prophecies had been made. Of this growth and development he drew the following picture:

Of course I have seen, as each of you has seen, the settlements gradually advancing from year to year, up the valleys of the streams, and then widening out from the margin of the timber on either side over the up-lands until improved farms have met each other on “the divides” all over the State. We have seen the red deer and elk and buffalo disappear from their “ranges” at the approach of domestic cattle; the larger forests in the vicinity of streams melting away to give room for cultivated fields; grain fields superseding the native grasses on our prairies; pioneers’ cabins first springing up in all directions from river to river east and west, and from Missouri to Minnesota, north and south, and then gradually giving place to hundreds of thousands of more commodious residences, interspersed with school-houses and churches, which are now dotting our valleys and hills and plains,—surrounded by orchards of luscious fruits, and blooming gardens,—embowered in the shade of cultivated groves; until Iowa has become in population

probably the eighth State in the Union,—and in respect to wealth, intelligence, morality and domestic comforts hardly second to any other State.

He then presented several series of statistics illustrating the growth of the population of the State and the increase in material wealth. And in conclusion he declared that “as one by one we pass away to the spirit world, we transfer, with satisfaction, this great and glorious heritage to a younger generation, claiming only to have done our work fairly well, and confidently expecting them and their posterity to continue to push the car of progress forward.”³⁹⁵

A life which spanned the rise of a new Commonwealth in the West and years of experience in the high counsels of the Nation also fitted James Harlan in an eminent degree for delivering addresses on patriotic occasions. An address of this character which may be taken as the expression of Mr. Harlan’s mature reflection upon the history and the future of his country was delivered at Fairfield on the Fourth of July, 1896. After a brief review of the phenomenal growth of the Nation he turned to an examination of the causes of this growth:

We may therefore properly pause here for a moment and ask what are these gigantic forces which have in this instance produced results never before equalled during the history of the human race.

It may be more easy to discover what they are not

than what they are. Hence we may say without a shadow of doubt that they have not been derived exclusively from our great expanse of territory; for other nations, ancient and modern, have each owned more land. They have not come exclusively from the fertility of the soil in the United States, the salubrity of the climate, the value of our mines and forests, from our navigable rivers, great lakes and sea coasts; for other countries are our equals in all these respects. Nor could they have come from the primeval character of our country at the date of our national birth, lying out fallow since the date of its creation and collecting and accumulating fertility for a gigantic manifestation of fruitfulness during the closing years of this century; for nearly all of North and South America, Australia and nearly all of Africa, and a large part of Asia were in the same condition when our nationality began.

Therefore the explanation of national success could not be found to any great extent in material conditions. "Were I required to mention, in a single sentence, the potential force," declared the speaker, "I would say that it was the simple recognition by the patriots of 1776 of *God as the only rightful sovereign ruler of nations, and the universal brotherhood of the human race!*" Equality in natural rights, equality before the law, the right of the people to choose their own rulers and make their own laws, and government by the will of the majority were the fundamental principles which were

found expressed and in operation in the United States for the first time in the history of nations. Consequently it might be reasonably said that the prosperity and power of the United States was chiefly due to the dominance of these principles.

“And here”, he said, “the inquiry will naturally arise, can this enormous increase in the elements of national greatness continue? And if not, can our free institutions be maintained? Or must a nation necessarily, like an individual human being, have its infancy, its youth, its stalwart manhood, its old age, decline and death?” A few simple calculations based on the experience of other nations would serve to show that even the State of Iowa would, by proper methods of agriculture, be able to support a population of fifteen millions of people, and hence the population of the whole country might increase almost indefinitely without endangering the prosperity of the Nation through lack of means of support for its people. The subject of immigration naturally suggested itself at this point and called forth the following remarks from the speaker:

Nor do I apprehend disaster on account of emigration from foreign lands to this country. Emigrants and their descendants founded this republic; and have been the defenders of its free institutions throughout its history. Of course the emigration to these shores

of felons, vagrants and paupers should be sternly prohibited, on the grounds of both justice and self defense. Every nation should be required to restrain its own criminals and to provide for its own dependent people. In 1890, according to the official reports, among a population of about sixty-two millions there were only a little more than nine millions of foreign birth, in the United States. The major part of these are the equals in intelligence, industry, frugality and morality, to the average of our native population. Hence I feel no alarm on account of their presence.

Some citizens, he said, had "forebodings of disaster to the Republic on account of the prevalence of intemperance." But, as great an evil as intemperance was recognized to be, he did not expect it to overwhelm the Nation. "I well remember", he said, "when literally everybody, — men, women, children and even the preachers used intoxicants as a beverage. It was thought to be a necessity, to ward off disease and preserve human life. It is not so now. Then it was regarded as a gross insult to decline to drink when invited to do so by a friend. Public opinion in this respect has changed. It is now on the side of sobriety."

Neither did Mr. Harlan share in the alarm of some people on account of illiteracy among certain classes of the population. The undesirable conditions along this line were steadily changing for the better, and furthermore, in his

opinion, illiteracy did not “necessarily imply a lack of either patriotism or effective practical intelligence”. Again, he said that “some of our fellow citizens have become alarmed lest a section of the Christian church may be successfully engaged in machinations against our free institutions.” But he found no grounds for this fear, since the prevailing sentiment of the age favored religious freedom, and this sentiment was stronger than edicts or statutes.

Finally, he found that “many most excellent citizens fear that our vast accumulations of wealth actually endanger the perpetuity of our free institutions, in the hands of private individuals, and, also under the control of corporations.” But he believed that the founders of the Constitution, in providing ample protection for property and guaranteeing everyone the right to the fruits of his own labor, had builded wisely. “They seemed to think”, he asserted, “that the certainty of the ultimate death of the rich as well as the poor, in the absence of power to entail estates, would sufficiently secure the distribution of the accumulations of the wealthy to their less fortunate kinsman, at the end of each one’s natural life,—or by escheat to the State, thus becoming the property of the whole people.” The danger from the growth of corporations he also thought was frequently exaggerated, since he believed it would not be

difficult "to surround them with legal restraints that would effectually protect the people from the evils of which complaint is sometimes made."

Taking everything into consideration, therefore, and "having faith in God as a just and infinitely beneficent Ruler of Nations, and in the practical wisdom and intelligence of the American people," he saw no reason to fear approaching disaster to the Nation.³⁹⁶

The same vein of optimism runs through all the addresses which James Harlan delivered on patriotic occasions, such as Independence Day, Memorial Day, and reunions of veterans of the Civil War. For the men who had defended the Union during that four years' struggle he had an especially warm place in his heart, and he was generous in his praise of their valor and patriotism.³⁹⁷

Educational topics were naturally of interest to the man who had spent many years of his early life as a teacher; and in the years of his retirement he found ample opportunity to express his views on the purposes, results, and methods of education. Especially was he welcomed as a commencement speaker at De Pauw University, his alma mater, and at Iowa Wesleyan University, of which institution he was virtually the founder. Apparently his first visit to "Old Asbury" after the close of his public

career was in 1887, when he was invited to deliver the commencement address.

He felt, he said, somewhat like Rip Van Winkle in thus returning, forty-two years after the close of his college days and thirty-two years after his last visit to the institution. The entire aspect of the University was changed and the students and citizens whom he had known so well had vanished. But he found that the student impulses of by-gone days were revived within him. "I may say", he declared, "that I feel that I am still one of your number; that the revolving years have not separated us in our impulses and aspirations; that time has made of me only one of your elder brothers who can share in your hopes and manly and womanly purposes."

In the address which followed this reminiscent introduction five points stand out clearly. In the first place, the speaker was not much in sympathy with the so-called "practical education" for undergraduates. He believed that a broad, general course of study was more desirable, because in very few cases did the individual finally take up as a life work the vocation or profession which attracted him at the beginning of his college career. And in any case he should have the broad foundation of general culture which the regular academic course afforded. The second observation was

that while the "detailed technicalities" of any study "may seem to fade from the memory or become obscured", the essentials remain fixed in the mind if the instruction has been successful, and that the power to "make such knowledge vital", when occasion demands, is of greater importance than to remember all the details.

But of greater significance than the book-learning which the conscientious student would gain, important as the speaker believed such knowledge to be, was the fact that he had "thus acquired the habit of systematic application, and learned how to learn, and where and how to obtain learning." Partly for this reason, and partly because he did not consider that the average student entering college was sufficiently mature to choose wisely the studies he should pursue, he favored an adherence to an established course of study such as in the experience of educators had proved most beneficial in its results. In other words, he was opposed to the elective principle which was gaining ground in some colleges and universities. Finally, Mr. Harlan declared that college graduates had become the leaders in all the professions, pursuits, and enterprises "requiring continuity of effort, and sustained and vigorous action." Consequently, students should prepare themselves for leadership, not necessarily

in the spectacular deeds, but rather as "those who have persistently worked, and built up that characteristic of human greatness, an unswerving tenacity of purpose."³⁹⁸

Other educational discourses, as for instance commencement addresses at DePauw University in 1892 and at Iowa Wesleyan University in 1895, and speeches before educational gatherings of various sorts, might be mentioned.³⁹⁹ But the same line of thought runs through all of them, and especially was Mr. Harlan firm in his opposition to any considerable extension of the elective principle in colleges and universities.

On August 16, 1894, Mr. Harlan addressed a Conference of the Methodist Episcopal Church held at Cedar Rapids, on the subject: "Capital and Labor". He discussed the economic phases of capital and labor, their relation to each other and to the business of the world, including their relation to coinage and the currency, and closed with these words:

It seems only needful that I should add, since Labor is the creator of all Capital, and all Capital is the accumulated product of Labor, Labor and Capital should never be at war with each other; and neither should ever attempt to coerce or rob the other. The combination of capitalists for the purpose of coercing laborers would be tyranny; and the combination of laborers to coerce capitalists would be robbery. Nei-

ther can be tolerated by a free people. In a free country wages must always and necessarily be the subject of voluntary contract between the employer and the employed, in all individual enterprises. The State must protect each in the exercise of this right or our personal freedom would be destroyed.⁴⁰⁰

The political speeches made by James Harlan during the first years of his retirement were almost as numerous as during his public career, and even down to the year of his death he willingly gave of his time and strength to promote the success of the party which he had helped to establish. As the years passed, his speeches became less partisan, more reminiscent, argumentative and philosophical. It will be worth while to note Harlan's attitude toward a few of the leading political issues of these later years.

The Greenback movement of the late seventies met with decided disapproval from the ex-Senator. In a speech, prepared and apparently delivered in 1878, he reviewed with great care the theory of values, their dependence upon labor and skill, and the principles upon which the coinage of gold and silver was based. In a commercial nation like the United States an exclusive metallic currency was not desirable for many reasons, and hence a large part of the circulating medium must consist of paper money. As long as this paper money possessed a purchasing power of equal value with that of

coin, all was well. But the only method to maintain this equality and keep paper money at par value was to provide for its redemption in coin.

The Nation had learned this truth through bitter experience in the early years of its existence, and other countries had endeavored with marked failure to regulate their currency without a gold or silver standard to fall back upon. All these instances justified "the conclusion that no paper, being promise to pay, can be maintained at par with coin, without ample provision for payment at maturity, or for redemption at the pleasure of the holder, in coin when issued in the form of a circulating medium". And yet a new political party had been organized which insisted "that gold and silver and every thing of real value as recognized in trade, should be discarded as a circulating medium, and a new sort of paper money substituted", which was to contain no promise of redemption and which was to be issued "with the distinct understanding that they are never to be redeemed in coin".⁴⁰¹

In the State campaign in Iowa in 1883, as will be remembered, the temperance question was an important issue on account of the recent defeat of the prohibitory amendment to the Constitution through an adverse decision of the Supreme Court. In a speech of this year James

Harlan advocated giving prohibition a fair trial by legislative action, since the majority of the people of the State had voted in favor of this method of regulation.

The tariff question also received consideration in this speech. Mr. Harlan was not in favor of any reduction in the tariff on foreign imports. The Democrats objected to a "protective tariff" and favored a "tariff for revenue only". In the first place, he could not see that the distinction would make any material difference, provided the Government continued to derive a large part of its revenue from the duties on goods coming into the country. The amount, if this policy were continued, would be the same in either case, whether the duties were applied for protection or for revenue only. On the other hand, if no duty was levied on foreign imports, it would necessarily mean an excise tax or direct taxation upon the people of this country, both of which would be very objectionable and burdensome. It was "too late in the day for any one to seriously insist that a tax on foreign imports, does not stimulate home products". The logical result of the policy of the Democratic party would be "to increase foreign imports, to diminish domestic manufactures, and to stimulate the export of raw material to the work shops of Europe"; and finally to introduce a system of tariff that had

never received the sanction of experience in this country.⁴⁰²

The last great political issue to claim the attention of the veteran statesman was the free silver doctrine promulgated by William Jennings Bryan during the presidential campaign of 1896. In a number of speeches, Harlan attacked this doctrine and the other policies of its author, but nowhere are his views on the coinage more clearly expressed than in a speech entirely devoted to that subject, which was delivered at Aurora, Illinois, in August. "I have no interest in the subject other than that of a private citizen of the United States, born in Illinois, brought up in Indiana, and a long time resident of Iowa", he declared by way of introduction. "I am not a candidate for any office, and am not engaged in any business requiring for its success any special legislation, or special favors from anybody. I think I can, therefore, consider the subject with entire impartiality."

Then plunging into the subject, he noted that one of the great political parties of the day demanded "the free and unlimited coinage of silver and gold on the ratio of sixteen grains of silver to one grain of gold". The demand was apparently made in all honesty and therefore deserved respectful consideration. He defined coinage and described the method of coining money. "Coined money", he said, however,

“measures the quantity and quality of the gold and silver used in their formation, but does not measure the value of anything. Human labor and skill applied in the production of things of common desire is the real measure of their value. This has always been so since civilization commenced, and must always remain so until the divine edict requiring man to earn his bread by the sweat of his face shall be repealed.” The difference between intrinsic and commercial value was pointed out and the fact was emphasized that “an average day’s work by a so-called common laborer is the true unit of all commercial values. That, and not the standard silver dollar nor the gold dollar, as some suppose, is the standard of measurement to which all commercial values are referred in all estimates and computations . . . just as the average strength of a horse is the unit referred to by the practical engineer in the measurement of force.”

“The value of money itself”, Mr. Harlan continued, “is so measured. Money — real money — gold and silver — the money of the commercial world — which circulates at par everywhere — is worth in the world’s trade the human labor — the days’ work — the human toil and skill it cost to gather it, grain by grain, from the sands of the placer, or from the rocks of the mountains.” Therefore, since gold cost

more to produce than silver, a given quantity of gold had more commercial value than the same quantity of silver. This was the basis upon which the coinage of these two metals was based, and paper money was measured indirectly by the same standard, since its value in the commercial world was dependent upon the possibility of its redemption in gold. Sound "fiat" money was therefore impossible, since neither governments nor individuals could create something out of nothing.

"The current use of the standard silver dollar whose bullion value is now only a trifle more than one-half the bullion value of the gold dollar," the speaker admitted, "may seem to prove the unsoundness of this allegation." But it should be remembered that the "standard silver dollar does not circulate as money at par anywhere beyond the boundaries of the United States. Anywhere else it is worth only its bullion value except in the hands of bankers and brokers, who ship it back to the United States to be exchanged for gold. But here in the United States, it passes in trade at par with gold because it is practically redeemable at par in gold, in pursuance of an act of Congress declaring it to be the policy of our government to maintain our gold and silver coins and Treasury notes at par with each other".

Bryan and his followers claimed that if the

free and unlimited coinage of silver at the ratio of sixteen to one were resumed, the bullion value of the silver dollar, which then was only fifty-three cents, would be raised to one hundred cents. To indicate the fallacy of this contention Mr. Harlan presented a careful review of the coinage history of the country, paying special attention to the act of 1873, which was the principal point of attack of the Democratic candidate, and the Bland-Allison act of 1878. He also pointed out the fact that the mere coinage of silver could not increase its bullion value. Coinage was simply and largely a matter of convenience, to expedite business transactions by means of a convenient medium. The business of the world would go on, although more slowly to be sure, even if all the mints were closed and the coins were melted into bullion.

In view of all these facts there could be but one conclusion in regard to the free-silver doctrine of the Democratic party:

If this policy should be adopted it can not be doubted that the hope of realizing a profit from such coinage, equal to the difference between the mercantile value of the bullion and the par value of the coin, would stimulate the deposit of silver bullion at our mint to be coined, in excess of the ability of the government to maintain it at the gold standard as at present. And if so, it is impossible to doubt, in the light of our own financial history, as well as that of

all the other commercial nations, that gold would go to a premium, and out of circulation, and these standard silver dollars, being supported by nothing else, would circulate at their bullion value, as does now the silver coinage of Mexico.⁴⁰³

This outline of speeches and addresses may fittingly be brought to a close by a brief review of a paper read before the "Harlan Club" of Iowa Wesleyan University on April 28, 1898. For the first time in all the years since 1865, the ex-Senator ventured to speak of his personal friend, Abraham Lincoln. He recounted the events of his first meetings with the President and gave a vivid description of the Lincoln family, copied apparently from his *Autobiographical Manuscript*. His official relations with the President were passed in review and he paid tribute to the patient courtesy with which he was always received. But it was not in his official life that the real Lincoln appeared. As one privileged to know him in the moments of relaxation and on social occasions, Mr. Harlan presented the following picture of Lincoln the man:

He was in fact possessed of a very wide range of information; was well versed in literature and science; could quote verbatim from standard authors by the hour; was endowed with very acute mental perceptions, and trenchant logical powers; and was, consequently, masterful in debate. He was the most

patient and unselfish man I ever knew, with boundless patriotism and overflowing affection and tenderness for every oppressed and suffering member of the human race He never needlessly injured anyone, nor permitted anyone to unjustly suffer, if he could properly prevent it. Hence he could truthfully say "It rests me after a day's hard work if I can find a good excuse for saving a man's life."

I will only add, in closing this recital, that I sometimes met President Lincoln socially, when I had no "ax to grind," and no public measure to discuss; and found him most delightful company. But these interviews were rare, for the reason that he was almost constantly, day and night, overwhelmed with official duties, leaving him hardly time for necessary meals and sleep; and I was equally busy with official duties in a minor position.

Sometimes, said Mr. Harlan, "he and Mrs. Lincoln would drive to the hotel where I and my family resided, and taking my wife into their carriage, would drive away into the country; or to the Opera House to listen to rare music." The last drive they took together was shortly after the fall of Richmond, and they crossed the Potomac River into Virginia through a country devastated by war. "This drive", continued the speaker, "has become to me historical. First, because it was the last one taken by me in his company; and proved to have been so near the end of his life. And, secondly, because he had suddenly become, on the fall of Rich-

mond and the surrender of the Confederate Army, April 9th, at Appomattox, a different man from what I had ever seen in him. His whole appearance, poise and bearing had marvelously changed. He was, in fact, transfigured. That indescribable sadness which had previously seemed to be an adamantean element in his very being, had been suddenly exchanged for an equally indescribable expression of serene joy as if conscious that the great purpose of his life had been achieved Yet there was no manifestation of exultation, or ecstasy. He seemed the very personification of supreme satisfaction."

Mr. Harlan closed his paper with a brief account of the assassination and funeral, and with a glowing tribute to the man whose body "lies, at the capital city of his own State, in a great mausoleum, erected by the voluntary contributions of his fellow citizens, peacefully awaiting the resurrection, while his memory is enshrined in the hearts of his countrymen; and his character is revered by all good men and women throughout the world."⁴⁰⁴

XXX

CHARACTER AND SERVICES

JAMES HARLAN was a man of strong personality. He was above the average in height, well-proportioned, broad-shouldered, and erect. He was possessed of strong, determined features, and his was a face upon which were written honesty and sincerity. Though not free from sickness in his earlier years, in later manhood he was seldom ill and his splendid constitution permitted him to take an active part in public affairs in the State of Iowa up to the date of his death, at the age of nearly eighty years.

In education he was more fully equipped than many of the statesmen of his day, both in Iowa and in the Nation at large; and at the same time his practical knowledge of pioneer life fitted him to an eminent degree to represent the interests of the people of the West in the halls of Congress. Independence and self-reliance, two qualities born of life on the frontier, characterized his actions throughout his entire career. His character is a fine exemplification of the distinction between the

egoist and the egotist. He knew his limitations, and within those limitations he believed in himself. The resourcefulness, for which the American pioneer is justly noted, also enabled James Harlan to meet the emergencies and changing conditions of his life with unusual success. The duties and responsibilities of educator, Superintendent of Public Instruction, lawyer, and surveyor, all were assumed and performed without hesitation and with results which lack of experience would seem to preclude. And when with scarcely any warning he was called to a seat in the Senate of the United States he was not found wanting in ability to adapt himself to a new and larger field of activity and usefulness.

James Harlan was a man of strong likes and dislikes. This quality made him warm friends and bitter enemies, and sometimes warped his judgment of men. He had few intimate and confidential friends, but to these he was loyal; and after his retirement from public life the bitterness of his enemies died away. His opinions on public questions were equally strong, but he never descended to the arts of the demagogue. His breadth of view and sense of justice saved him from fanaticism, and, with rare exceptions, as in the impeachment trial of Andrew Johnson, prevented him from the support of policies which in their practical results

have proved unwise. On the other hand, the very intensity of his convictions imparted an earnestness and force to his speeches in the Senate on the great issues of slavery and reconstruction which "mere eloquence" could not have supplied.

As a speaker, especially in the Senate, Harlan followed the method of the debater rather than that of the orator. His speeches were prepared with unusual care and he seldom made an important statement which was not supported by an array of facts. Logical arrangement was a noticeable feature of all his extended speeches. While he could on occasion rise to flights of eloquence, his appeal was rather to the reason than to the emotions, and his speeches convinced rather than aroused his hearers.

Broad sympathy and a firm belief in the common people served to soften the sterner phases of the statesman's character, and at the same time to instill in him a spirit of optimism which nothing could seriously affect. He always championed the oppressed, and his letters of sympathy and consolation to those in trouble or in sorrow because of the loss of loved ones during the war reveal his responsiveness to the sufferings of his fellow-beings. His belief in the common people is illustrated throughout his career by his insistence upon the fact that education or lack of education does not necessarily

affect the ability of the individual to be a good citizen nor alter his moral nature.⁴⁰⁵ The great majority of the men and women whom he had known in his boyhood and early manhood were without other educational advantages than the most elementary schooling afforded, and yet he bore frequent testimony that nowhere was a more honest, upright, and intelligent class of people to be found.

Against the personal life of James Harlan no breath of suspicion has ever been cast. In this respect he passed unscathed through the fierce storm of charges which troubled the last years of his public service. His honesty was seriously attacked, but it is perhaps a sufficient commentary on the charges hurled at him that when once the partisanship which demanded his retirement from the Senate had accomplished its purpose, he met with only honor and respect and almost veneration from the people of Iowa, and those who had been most vehement in their attacks upon him were among the most enthusiastic in extolling his character and in praising his high services to the State and Nation. James Harlan, in common with other men in public life, made mistakes and committed indiscretions; but, judged by the standards of his period, his public career will stand the test of rigid investigation.

In private life James Harlan was an ideal

citizen, interested in all that ministered to the upbuilding of the community in which he lived, and respected and beloved by his fellow-townsmen. "In the little city of Mt. Pleasant, Iowa, ripe in wisdom and experience as well as in years; full of honors and beloved by everybody, young and old," wrote one who had long known and admired the ex-Senator, "resides in peaceful quietude, Iowa's first Superintendent of Public Instruction, her first Republican United States senator, and her first cabinet officer."⁴⁰⁶ In the home he was a devoted husband and a kind father. That his married life was eminently happy is amply revealed by the letters which passed between husband and wife, especially during the gloomy first winter of the Senator's residence in Washington.

James Harlan's greatest direct service to the State of Iowa was rendered during the first ten years of her statehood. As the first Superintendent of Public Instruction he put the public school system of the State on a firm basis and established precedents which were followed with beneficial results by his successors. As the first President of Iowa Wesleyan University he builded well and he may justly be classed among the pioneers of higher education in Iowa.

From the duties of the college class-room and office his labors were transferred to the United States Senate, where his career covers the

period of a great political and social revolution. There he joined the apparently uninfluential minority of which Sumner, Seward, Trumbull, Fessenden, and Wade were the most conspicuous members; and his was the word that gave new hope to his colleagues and to the baffled free-soilers of Kansas and Nebraska.⁴⁰⁷ His voice was continually raised against the further extension of slavery, and when war came he firmly supported the Government in its measures to preserve the Union. To him more than to any other one person is due the credit for forcing upon an unwilling Congress, a conservative President, and a prejudiced public the arming of the negroes; and with a few others he should share the credit for securing the freedom and enfranchisement of an oppressed race.

James Harlan was the most successful advocate in Congress for legislation in support of the Pacific Railroad, which welded the Nation together with ties of common interests as well as with bands of steel. Partly through his patient, persistent endeavor, in one Congress after another, millions have found homesteads and established prosperous communities in the West. And finally, when President Grant's far-seeing and far-reaching plans for saving San Domingo from herself were misconstrued and denounced as selfish and treasonable schemes for personal and political gain, his was the elo-

quent protest which saved well-meaning but prejudice-blinded statesmen from perpetrating an act of injustice which, had it been consummated, would have written a humiliating chapter in the Nation's history.

The career of James Harlan, stretching from a humble pioneer cabin in the woods of Indiana across the Mississippi to an infant Commonwealth and thence to the highest council chambers of the Nation in its time of trial, may well be followed with pride by every citizen of Iowa. And, so long as the youth of America seek to emulate the achievements of American statesmen, they may find in the life of James Harlan an illustration of the possibilities for usefulness and honor which await him who, with persistence and yet without scorning expediency, dares champion the right and will not acquiesce in, much less be a party to, what he believes to be wrong.

NOTES AND REFERENCES

NOTES AND REFERENCES

CHAPTER I

¹ *Autobiographical Manuscript and Papers*, pp. 1, 2. This is the partially completed autobiography and the collection of letters and papers left by Mr. Harlan.

² *Autobiographical Manuscript and Papers*, p. 2.

³ *Autobiographical Manuscript and Papers*, p. 2.

⁴ *Autobiographical Manuscript and Papers*, pp. 10, 11.

⁵ *Autobiographical Manuscript and Papers*, pp. 11-13.

⁶ *Autobiographical Manuscript and Papers*, pp. 4, 5.

⁷ *Autobiographical Manuscript and Papers*, pp. 5, 6.

CHAPTER II

⁸ *Autobiographical Manuscript and Papers*, pp. 15, 16.

⁹ *Autobiographical Manuscript and Papers*, pp. 16, 17.

¹⁰ *Autobiographical Manuscript and Papers*, pp. 19-22.

¹¹ *Autobiographical Manuscript and Papers*, pp. 23-26.

¹² *Autobiographical Manuscript and Papers*, p. 34.

¹³ *Autobiographical Manuscript and Papers*, p. 35.

¹⁴ *Autobiographical Manuscript and Papers*, pp. 35-39.

CHAPTER III

¹⁵ *Autobiographical Manuscript and Papers*, pp. 46, 47.

¹⁶ Matthew Simpson afterward became a Bishop in the Methodist Episcopal Church, and made for himself a world-wide

reputation by his eloquence. President Lincoln spoke of him as the greatest orator he ever heard.

¹⁷ Public speaking was given a prominent place at Asbury University. At the chapel exercises each morning four students, taking their turn in alphabetical order, were expected to deliver declamations, and in this way each student appeared on an average once a month. Once a month also there was "Public Saturday" at which about one-fourth of the students were called upon for declamations, and on these occasions the chapel room was usually filled with people from Greencastle and the surrounding country. Furthermore, the student body was divided into as many groups as there were professors, and the members of each group were required to appear each week before their respective professor and read an original essay. Finally, there were two strong literary or debating societies.—*Autobiographical Manuscript and Papers*, pp. 73–77.

¹⁸ *Autobiographical Manuscript and Papers*, pp. 100, 101.

¹⁹ *Autobiographical Manuscript and Papers*, p. 115.

²⁰ *Autobiographical Manuscript and Papers*, pp. 134, 135. In this speech Clay discussed five of the great questions of the day, as follows: a protective tariff, the re-charter of a National Bank, the limitation of the President's veto power, internal improvements by the National government, and the distribution of the proceeds of the sale of the public lands to the States.

²¹ *Autobiographical Manuscript and Papers*, pp. 152–164, *passim*.

²² *Autobiographical Manuscript and Papers*, p. 167.

²³ *Autobiographical Manuscript and Papers*, pp. 178, 179.

²⁴ *Autobiographical Manuscript and Papers*, pp. 180, 181.

²⁵ *Autobiographical Manuscript and Papers*, pp. 181–183.

²⁶ *Autobiographical Manuscript and Papers*, pp. 184–188.

While at Wapello Harlan visited the site of the Indian village which a few years before had been the home of Black Hawk and his band.

²⁷ *Autobiographical Manuscript and Papers*, p. 189.

²⁸ An interesting and detailed account of the winter in Missouri is to be found in the *Autobiographical Manuscript and Papers*, pp. 190-237.

²⁹ *Autobiographical Manuscript and Papers*, pp. 242, 243.

³⁰ An account of Harlan's college life after his return from Missouri may be found in the *Autobiographical Manuscript and Papers*, pp. 243-298.

CHAPTER IV

³¹ *Autobiographical Manuscript and Papers*, pp. 278, 279.

³² Miss Peek's parents died when she was a child, leaving her under the guardianship of her uncle, Dr. Knight.

³³ *Autobiographical Manuscript and Papers*, pp. 304, 305.

³⁴ James L. Thompson spent the greater part of his life in Indiana as a minister in the Methodist Episcopal Church. In the early forties he retired from active ministerial work, took a superannuated relation, and removed to the Territory of Iowa, where he located on a farm near Iowa City, the capital of the Territory. Here he lived for several years, devoting much of his time to the Iowa City College during its brief existence.

³⁵ *Autobiographical Manuscript and Papers*, pp. 313, 314. Jesse Bowen took quite a prominent part in political contests, and was a member of the State Senate in the Eighth and Ninth General Assemblies.

³⁶ John M. Coleman "was one of the leading citizens of the city and of the Territory, who had emigrated from the State of Indiana, a few years before, where he had gained prominence as a member of the Legislature, as presiding judge of an Indiana Court, and in business pursuits. After his arrival in Iowa he had been made United States Territorial Agent, to lay out into blocks and lots, the site for this city, to sell the same and apply the proceeds in the erection of a Territorial State House". — *Autobiographical Manuscript and Papers*, p. 314. For an

account of the erection of the "Old Stone Capitol" see Shambaugh's *Iowa City a Contribution to the Early History of Iowa*, pp. 59-72. The Harlan home at this time was located on the corner of Iowa Avenue and Linn Street.

³⁷ *Laws of Iowa*, 1842-1843, pp. 75-81. The Trustees named in the act were as follows: John M. Coleman, Bartholomew Weed, George B. Bowman, Leonard Jewett, Anson Hart, Edward K. Hart, William C. Reagan, Peter H. Patterson, Jesse Bowen, James P. Carleton, John D. Elbert, John A. Parvin, Joseph Williams, Robert Lucas, John Demoss, Stephen B. Gardner, A. E. McArthur, Curtis Bates, Isaac P. Van Hagan, Robert Hamilton, James L. Thompson, Milton M. Jennison, Ephraim Killpatrick, Roswell H. Spencer, Adam Reister, and Jesse P. Farley.

The north half of block five was located on the south side of Market Street between Lucas and Governor Streets. It does not appear, however, that any college building was ever erected on this piece of ground. In fact, as far as can be learned the recitations and other exercises of the Iowa City College, throughout its existence, were held in a building located on the site of the present Christian church on Iowa Avenue. This building had been erected and occupied by the Methodist Protestants, but at about the time the Iowa City College opened its doors in 1846 it came into the possession of the Methodist Episcopal Church.—See Shambaugh's *Notes on the Early Church History of Iowa City* in the *Iowa Historical Record*, Vol. XV, No. 4, p. 567; and *Laws of Iowa*, 1845, p. 109.

³⁸ *The Iowa Standard* (Iowa City), Vol. III, No. 18, April 6, 1843.

³⁹ *Autobiographical Manuscript and Papers*, pp. 315-317.

⁴⁰ *The Iowa Standard* (New Series), Vol. I, No. 2, June 24, 1846.

⁴¹ *Autobiographical Manuscript and Papers*, pp. 337, 338.

⁴² *Autobiographical Manuscript and Papers*, pp. 338, 339. Mary Eunice Harlan, now Mrs. Robert T. Lincoln, is the only surviving child of James and Ann Eliza Harlan.

CHAPTER V

- ⁴³ *Constitution of Iowa*, 1846, Article X, Section 1.
- ⁴⁴ *Laws of Iowa*, 1846-1847, pp. 131, 132, 134.
- ⁴⁵ *Autobiographical Manuscript and Papers*, p. 340.
- ⁴⁶ *Autobiographical Manuscript and Papers*, pp. 341, 342.
- ⁴⁷ *Autobiographical Manuscript and Papers*, pp. 342, 343. See also *The Iowa Standard* (New Series), Vol. I, No. 38, March 10, 1847.
- ⁴⁸ See *The Iowa Standard* (New Series), Vol. I, No. 38, March 10, 1847, for a reply to the attacks made on Harlan by the Democratic press. Unfortunately no file of the *Iowa Capital Reporter*, the Democratic organ at Iowa City, has been preserved covering this year. See also *Autobiographical Manuscript and Papers*, pp. 343, 344.
- ⁴⁹ *The Iowa Standard* (New Series), Vol. I, No. 37, March 3, 1847. Twenty-five speaking points were listed in this schedule, and they were scattered over the entire organized portion of the State from Van Buren County to Dubuque. Moreover, a number of other places not mentioned in this list were visited by Harlan during the month's campaign.
- ⁵⁰ *Autobiographical Manuscript and Papers*, pp. 344-371.
- ⁵¹ *Autobiographical Manuscript and Papers*, pp. 354-356.
- ⁵² Newspaper clipping in the *Autobiographical Manuscript and Papers*, p. 358.
- ⁵³ *Autobiographical Manuscript and Papers*, p. 359.
- ⁵⁴ *Autobiographical Manuscript and Papers*, p. 360.
- ⁵⁵ This incident is described in the *Autobiographical Manuscript and Papers*, pp. 364-371.
- ⁵⁶ *Autobiographical Manuscript and Papers*, p. 372.
- ⁵⁷ James Harlan was elected by a majority of 413 votes over Charles Mason.—See Pelzer's *The History and Principles of the Democratic Party of Iowa, 1846-1857* in *The Iowa Journal*

of *History and Politics*, Vol. VI, p. 172. Dr. Pelzer's statement is based upon the election returns as found in the Public Archives at Des Moines.

CHAPTER VI

⁵⁸ *Constitution of Iowa*, 1846, Article IV, Section 27.

⁵⁹ *Autobiographical Manuscript and Papers*, p. 382; and *The Iowa Standard* (New Series), Vol. I, No. 46, May 19, 1847.

⁶⁰ *Autobiographical Manuscript and Papers*, pp. 383, 384.

⁶¹ *The Iowa Standard* (New Series), Vol. I, Nos. 46 and 48, May 19, and June 2, 1847. As a matter of fact Judge Mason had been given ample opportunity to express his opinion relative to the publication of the election law, for the Secretary of State had written to him asking his advice on that very point, and he had made reply.

⁶² *Autobiographical Manuscript and Papers*, p. 393.

⁶³ *Autobiographical Manuscript and Papers*, pp. 393, 394. See also *The Iowa Standard* (New Series), Vol. I, No. 50, June 16, 1847.

⁶⁴ *The Iowa Standard* (New Series), Vol. I, No. 52, June 30, 1847; and *Autobiographical Manuscript and Papers*, p. 394. In his statement to the court Hampton declared that for seven days James Harlan had been usurping the "powers, authorities and emoluments" of the office of Superintendent "to the great damage and prejudice of the lawful authority" of the State.

⁶⁵ *Calkin v. The State*, 1 Greene 68; and *Autobiographical Manuscript and Papers*, pp. 394, 395.

⁶⁶ A full discussion of the history and administration of these land grants may be found in Buffum's *Federal and State Aid to Education in Iowa* in *The Iowa Journal of History and Politics*, Vol. IV, pp. 563-588. As originally granted by Congress the five hundred thousand acre grant was intended for the use of the State in making internal improvements. But the framers of the Constitution of 1846 diverted the grant to the use of the public schools, and the Constitution was approved by Congress.

⁶⁷ *Laws of Iowa*, 1846-1847, pp. 160-164. The five per cent fund, like the five hundred thousand acre grant was originally intended for internal improvements, but was later diverted to educational purposes, with the approval of Congress.—See Shambaugh's *Documentary Material Relating to the History of Iowa*, Vol. I, pp. 127, 128, 131, 132; and Buffum's *Federal and State Aid to Education in Iowa in The Iowa Journal of History and Politics*, Vol. V, pp. 37-40.

⁶⁸ *The Iowa Standard* (New Series), Vol. II, No. 7, August 18, 1847.

⁶⁹ *Autobiographical Manuscript and Papers*, p. 396.

⁷⁰ *Journal of the House of Representatives*, 1848 (Extra Session), pp. 56, 57.

⁷¹ *Journal of the House of Representatives*, 1848 (Extra Session), pp. 75-100.

⁷² *Laws of Iowa*, 1848 (Extra Session), pp. 75, 80.

⁷³ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 371, 372.

⁷⁴ *Autobiographical Manuscript and Papers*, pp. 452, 453.

⁷⁵ *Autobiographical Manuscript and Papers*, pp. 453-479.

⁷⁶ *Autobiographical Manuscript and Papers*, p. 489.

⁷⁷ *Autobiographical Manuscript and Papers*, p. 489.

⁷⁸ The official abstract of the returns was as follows:

Thomas H. Benton	9,327
James Harlan	8,112
James Harlin	452
James Harlen	340
James Harland	34
James Hartan	374
T. H. Benton	2
Samuel B. Howe	35
Scattering	1

— *The Iowa Standard* (New Series), Vol. II, No. 33, May 24, 1848.

⁷⁹ *Autobiographical Manuscript and Papers*, p. 499; and *The Iowa Standard* (New Series), Vol. II, No. 32, May 17, 1848.

⁸⁰ *Autobiographical Manuscript and Papers*, pp. 493-501.

⁸¹ *The Iowa Standard* (New Series), Vol. II, No. 35, June 7, 1848.

⁸² *Autobiographical Manuscript and Papers*, pp. 504, 505.

⁸³ *Autobiographical Manuscript and Papers*, pp. 502-504.

CHAPTER VII

⁸⁴ This house was located on the corner of Dubuque and Jefferson Streets, where the Medical Laboratory Building of the State University of Iowa now stands. The house was in an unfinished condition when purchased, but it is interesting to note that the price paid for the house and a large lot was \$546.00. Practically this same property was sold for \$7,500 in 1902 at the time of the erection of the Medical Laboratory Building.

⁸⁵ *Autobiographical Manuscript and Papers*, pp. 553-559.

⁸⁶ *Autobiographical Manuscript and Papers*, pp. 563, 564.

⁸⁷ *Autobiographical Manuscript and Papers*, pp. 573-579.

⁸⁸ *Autobiographical Manuscript and Papers*, p. 583.

⁸⁹ *Autobiographical Manuscript and Papers*, p. 584.

⁹⁰ See newspaper clippings in the *Autobiographical Manuscript and Papers*, pp. 593-595.

⁹¹ *Autobiographical Manuscript and Papers*, pp. 623-625.

⁹² The manuscript of this speech is to be found in the *Autobiographical Manuscript and Papers*, pp. 597-622.

⁹³ *Autobiographical Manuscript and Papers*, pp. 627, 628.

⁹⁴ *Autobiographical Manuscript and Papers*, pp. 628, 629.

⁹⁵ A detailed account of this controversy, together with a number of the articles written by Harlan, may be found in the *Autobiographical Manuscript and Papers*, pp. 630-647.

⁹⁶ *Autobiographical Manuscript and Papers*, pp. 650–662.

⁹⁷ *Autobiographical Manuscript and Papers*, pp. 695–698.

⁹⁸ This partnership continued for the period of about two years, when the land was sold.—See *Autobiographical Manuscript and Papers*, pp. 704, 705.

⁹⁹ 3 Greene 586; and *Autobiographical Manuscript and Papers*, p. 707.

¹⁰⁰ *Autobiographical Manuscript and Papers*, p. 707.

¹⁰¹ *Autobiographical Manuscript and Papers*, pp. 710–720.

¹⁰² *Autobiographical Manuscript and Papers*, p. 723.

¹⁰³ For an account of this month's surveying see the *Autobiographical Manuscript and Papers*, pp. 744–775.

¹⁰⁴ *Autobiographical Manuscript and Papers*, pp. 775–780.

¹⁰⁵ *Autobiographical Manuscript and Papers*, pp. 780–782.

¹⁰⁶ For a brief sketch of Iowa Wesleyan University, by which name the institution has been known since 1855, see Parker's *Higher Education in Iowa*, pp. 154, 155.

¹⁰⁷ See the *Autobiographical Manuscript and Papers*, pp. 782–840, for an account of Harlan's life and activities as college president.

CHAPTER VIII

¹⁰⁸ Salter's *The Life of James W. Grimes*, p. 50.

¹⁰⁹ *Autobiographical Manuscript and Papers*, p. 850.

¹¹⁰ *Autobiographical Manuscript and Papers*, p. 851.

¹¹¹ *Autobiographical Manuscript and Papers*, pp. 852–855.

¹¹² *Autobiographical Manuscript and Papers*, p. 859.

¹¹³ *Journal of the Senate*, 1854–1855, pp. 44–48. Fourteen names appeared on the first ballot, nine on the second.

¹¹⁴ For a record of the successive ballots cast in this caucus see the *Autobiographical Manuscript and Papers*, p. 867.

¹¹⁵ See the *Daily Express and Herald* (Dubuque), Vol. IV, No. 208, December 19, 1854.

¹¹⁶ *Journal of the Senate*, 1854-1855, p. 49; and *Iowa Democratic Enquirer* (Muscatine), Vol. VII, No. 24, December 21, 1854.

¹¹⁷ Letter from Samuel McFarland to Harlan, dated December 14, 1854.—*Autobiographical Manuscript and Papers*, p. 865.

¹¹⁸ *Autobiographical Manuscript and Papers*, pp. 871-873.

¹¹⁹ *Autobiographical Manuscript and Papers*, p. 876.

¹²⁰ *Autobiographical Manuscript and Papers*, p. 877.

¹²¹ *Journal of the House of Representatives*, 1854-1855, pp. 102-111.

¹²² *Journal of the House of Representatives*, 1854-1855, pp. 151-156, 163-178.

¹²³ *Iowa Democratic Enquirer* (Muscatine), Vol. VII, No. 27, January 11, 1855.

¹²⁴ *Journal of the House of Representatives*, 1854-1855, pp. 184-188. The final vote was as follows: James Harlan 52, Bernhart Henn 2, William McKay 1, James Grant 1.

¹²⁵ *Journal of the House of Representatives*, 1854-1855, pp. 188-190, 208-211; *Journal of the Senate*, 1854-1855, pp. 122, 129.

CHAPTER IX

¹²⁶ For Harlan's correspondence and a detailed account of his activities during the months from January to November see the *Autobiographical Manuscript and Papers*, pp. 938-1050.

¹²⁷ An account of Harlan's journey to Washington and his first impressions in the capital city may be found in the *Autobiographical Manuscript and Papers*, pp. 1050-1061.

¹²⁸ *Congressional Globe*, 1st Session, 34th Congress, p. 2.

¹²⁹ See the *Autobiographical Manuscript and Papers*, pp. 1079-1094.

¹³⁰ *Congressional Globe*, 1st Session, 34th Congress, p. 388; Appendix, pp. 80, 81; and *Autobiographical Manuscript and Papers*, pp. 1151-1154.

¹³¹ *Autobiographical Manuscript and Papers*, p. 1169.

¹³² *Congressional Globe*, 1st Session, 34th Congress, Appendix, pp. 270-277.

¹³³ Rhodes's *History of the United States*, Vol. II, pp. 130, 131.

¹³⁴ *New York Semi-Weekly Tribune*, April 1, 1856.

¹³⁵ *Congressional Globe*, 1st Session, 34th Congress, pp. 826-864, *passim*.

¹³⁶ *Autobiographical Manuscript and Papers*, pp. 1203-1206.

¹³⁷ *Autobiographical Manuscript and Papers*, pp. 1206-1208.

¹³⁸ *Congressional Globe*, 1st Session, 34th Congress, Appendix, pp. 378-395.

¹³⁹ *Autobiographical Manuscript and Papers*, pp. 1242-1250.

¹⁴⁰ Clipping in the *Autobiographical Manuscript and Papers*, p. 1323.

CHAPTER X

¹⁴¹ *Congressional Globe*, 1st Session, 34th Congress, pp. 2079, 2098, 2129, 2130.

¹⁴² *Autobiographical Manuscript and Papers*, p. 1506.

¹⁴³ *Autobiographical Manuscript and Papers*, p. 1550.

¹⁴⁴ *Congressional Globe*, 3rd Session, 34th Congress, pp. 112-115.

¹⁴⁵ *Congressional Globe*, 3rd Session, 34th Congress, pp. 239, 240.

¹⁴⁶ *Congressional Globe*, 3rd Session, 34th Congress, pp. 240-244.

¹⁴⁷ *Congressional Globe*, 3rd Session, 34th Congress, pp. 244–299, *passim*. A more detailed account of this contest will be found in Clark's *History of Senatorial Elections in Iowa*, Ch. IV.

¹⁴⁸ *Autobiographical Manuscript and Papers*, pp. 1619, 1620.

¹⁴⁹ The vote stood: James Harlan 63, W. F. Coolbaugh 35, and Winslow F. Barker 1.—*Journal of the House of Representatives*, 1856–1857, pp. 360–362.

¹⁵⁰ *Autobiographical Manuscript and Papers*, p. 1660; and *Congressional Globe*, 3rd Session, 34th Congress, p. 499.

CHAPTER XI

¹⁵¹ See the *Autobiographical Manuscript and Papers*, pp. 1781–1922, for an account of Harlan's activities during the summer and fall of 1857, together with letters received by him during this period.

¹⁵² *Autobiographical Manuscript and Papers*, p. 1924.

¹⁵³ This speech may be found in the *Congressional Globe*, 1st Session, 35th Congress, pp. 381–386.

¹⁵⁴ *New York Semi-Weekly Tribune*, January 26, 1858.

¹⁵⁵ See newspaper clippings in the *Autobiographical Manuscript and Papers*, pp. 1943–1948.

¹⁵⁶ Letter from Alvin Saunders to Harlan, dated February 7, 1858.—*Autobiographical Manuscript and Papers*, p. 2106.

¹⁵⁷ *Congressional Globe*, 1st Session, 35th Congress, p. 541.

¹⁵⁸ *Congressional Globe*, 1st Session, 35th Congress, p. 623.

¹⁵⁹ *Congressional Globe*, 1st Session, 35th Congress, pp. 639, 900, 1059, 1152, 1257, 1407, 1408, 1618.

¹⁶⁰ *Congressional Globe*, 1st Session, 35th Congress, pp. 1756–1758, 1772–1779; Appendix, p. 552.

¹⁶¹ *Congressional Globe*, 1st Session, 35th Congress, pp. 1907, 1914; Appendix, p. 558, 559.

¹⁶² For Harlan's part in the debate on the credentials of Henry M. Rice, see the *Congressional Globe*, 1st Session, 35th Congress, pp. 2075-2079, 2163, 2823. An investigation was made and Mr. Rice was freed of the charges made against him. Harlan expressed his entire satisfaction at the result.

CHAPTER XII

¹⁶³ For correspondence and comments on this campaign and Harlan's activities during the summer of 1858 see the *Autobiographical Manuscript and Papers*, pp. 2369-2440.

¹⁶⁴ *Autobiographical Manuscript and Papers*, pp. 2441, 2442.

¹⁶⁵ *Congressional Globe*, 2nd Session, 35th Congress, pp. 239-241, 244.

¹⁶⁶ *Congressional Globe*, 2nd Session, 35th Congress, pp. 310, 311. See also pp. 315, 603.

¹⁶⁷ For a record of Harlan's participation in the debate on these and other important bills see the *Congressional Record*, 2nd Session, 35th Congress, pp. 719, 720, 724, 735, 741, 742, 788, 789, 810, 826, 827, 1313, 1383, 1384, 1512, 1513, 1517, 1519, 1580, 1582, 1627.

¹⁶⁸ *Congressional Globe*, 2nd Session, 35th Congress, pp. 719, 720.

¹⁶⁹ Clipping in the *Autobiographical Manuscript and Papers*, p. 2635.

¹⁷⁰ See especially letters from Grimes to Harlan dated January 13, January 26, February 15, and April 27, 1859.—*Autobiographical Manuscript and Papers*, pp. 2554, 2569, 2634, 2743.

¹⁷¹ *Autobiographical Manuscript and Papers*, p. 2634.

CHAPTER XIII

¹⁷² *Autobiographical Manuscript and Papers*, pp. 2750-2753.

¹⁷³ For a copy of this speech see pamphlet in the *Autobiographical Manuscript and Papers*, pp. 2842-2855.

¹⁷⁴ See newspaper clippings and comments by Harlan in the *Autobiographical Manuscript and Papers*, pp. 2856-2858.

¹⁷⁵ *Journal of the House of Representatives*, 1860, pp. 79-81. For a detailed account of this election see Clark's *History of Senatorial Elections in Iowa*, Ch. VI. See also the *Autobiographical Manuscript and Papers*, pp. 2874-3512, passim, for correspondence relating to the election.

¹⁷⁶ See *The Tipton Advertiser*, Vol. VII, No. 7, February 16, 1860, and succeeding issues.

CHAPTER XIV

¹⁷⁷ *Congressional Globe*, 1st Session, 36th Congress, p. 415.

¹⁷⁸ For instance see *Congressional Globe*, 1st Session, 36th Congress, pp. 214, 223, 758, 834, 1217, 1366, 1523, 1860, 2166, 2191.

¹⁷⁹ *Congressional Globe*, 1st Session, 36th Congress, p. 324; Appendix, pp. 54-58.

¹⁸⁰ *Autobiographical Manuscript and Papers*, pp. 3422-3430.

¹⁸¹ *Congressional Globe*, 1st Session, 36th Congress, pp. 990, 991, 1129.

¹⁸² *Congressional Globe*, 1st Session, 36th Congress, pp. 1376-1378, 1407-1409.

¹⁸³ *Congressional Globe*, 1st Session, 36th Congress, pp. 1678-1684, 1686. Neither the Harlan amendment nor the bill itself were passed at this time.

¹⁸⁴ *Congressional Globe*, 1st Session, 36th Congress, pp. 1512, 1773, 1774, 1796, 1992-2003, 2032, 2035.

¹⁸⁵ *Congressional Globe*, 1st Session, 36th Congress, pp. 3271, 3272.

¹⁸⁶ See Johnston's *History of American Politics* (1892), p. 189, footnote.

CHAPTER XV

¹⁸⁷ *Autobiographical Manuscript and Papers*, pp. 4155-4157.

- ¹⁸⁸ *Autobiographical Manuscript and Papers*, p. 4223.
- ¹⁸⁹ *Autobiographical Manuscript and Papers*, p. 4193.
- ¹⁹⁰ *Autobiographical Manuscript and Papers*, p. 4231.
- ¹⁹¹ *Autobiographical Manuscript and Papers*, pp. 4258, 4259.
- ¹⁹² *Autobiographical Manuscript and Papers*, p. 4260.
- ¹⁹³ *Congressional Globe*, 2nd Session, 36th Congress, pp. 3-5.
- ¹⁹⁴ *Congressional Globe*, 2nd Session, 36th Congress, p. 222.
- ¹⁹⁵ This speech may be found in the *Congressional Globe*, 2nd Session, 36th Congress, Appendix, pp. 42-48.
- ¹⁹⁶ *Washington Press* (Iowa), Vol. V, No. 34, January 23, 1861.
- ¹⁹⁷ For instance see the *Autobiographical Manuscript and Papers*, pp. 4399-4459, passim.
- ¹⁹⁸ Letter dated January 13, 1861.— *Autobiographical Manuscript and Papers*, p. 4403.
- ¹⁹⁹ Letter dated January 14, 1861.— *Autobiographical Manuscript and Papers*, pp. 4405, 4406.
- ²⁰⁰ *Autobiographical Manuscript and Papers*, pp. 4410-4413.
- ²⁰¹ For an account of this convention and its effect see Rhodes's *History of the United States*, Vol. III, pp. 290-308.
- ²⁰² Letter dated March 4, 1861.— *Autobiographical Manuscript and Papers*, pp. 4683, 4684.

CHAPTER XVI

²⁰³ For an account of this interview and a detailed description of Abraham Lincoln and his family see the *Autobiographical Manuscript and Papers*, pp. 4671-4675. It is to be noted that the choice of Simon Cameron was not a fortunate one. As a matter of fact, during the first year of the war, Chase was called upon to take an active part in directing military affairs, especially in the western armies, in addition to his regular duties.— See Hart's *Salmon P. Chase*, pp. 211-214.

²⁰⁴ *Autobiographical Manuscript and Papers*, p. 4753.

²⁰⁵ *Autobiographical Manuscript and Papers*, pp. 4763, 4764.

²⁰⁶ Letter dated April 1, 1861.— *Autobiographical Manuscript and Papers*, pp. 4765–4767.

²⁰⁷ Letter dated April 29, 1861.— *Autobiographical Manuscript and Papers*, pp. 4769–4772.

²⁰⁸ *Congressional Globe*, 1st Session, 37th Congress, p. 1.

²⁰⁹ Scott's *The Story of a Cavalry Regiment: The Career of the Fourth Iowa Veteran Volunteers*, pp. 1–10.

²¹⁰ *Autobiographical Manuscript and Papers*, pp. 4902, 4903.

CHAPTER XVII

²¹¹ *Congressional Globe*, 2nd Session, 37th Congress, pp. 26, 1347; Appendix, p. 352.

²¹² For Harlan's part in the discussion of the Pacific Railroad Bill see *Congressional Globe*, 2nd Session, 37th Congress, pp. 2217, 2654, 2679, 2749–2753, 2757–2759, 2760, 2762, 2781, 2783–2785, 2832–2834.

²¹³ *Congressional Globe*, 2nd Session, 37th Congress, pp. 2249, 2276, 2328, 2329, 2628–2633.

²¹⁴ *Congressional Globe*, 2nd Session, 37th Congress, pp. 335, 336.

²¹⁵ *Congressional Globe*, 2nd Session, 37th Congress, p. 470.

²¹⁶ *Autobiographical Manuscript and Papers*. After reaching this point the papers in this collection are not page-numbered, and it was not thought desirable to attempt any pagination.

²¹⁷ *Congressional Globe*, 2nd Session, 37th Congress, Appendix, pp. 315–323.

²¹⁸ *Autobiographical Manuscript and Papers*.

²¹⁹ *Congressional Globe*, 2nd Session, 37th Congress, pp. 2036, 2037.

²²⁰ See Rhodes's *History of the United States*, Vol. III, pp. 621-628. For a clear account of the Battle of Shiloh, vindicating Grant from the charges made against him see Rich's *The Battle of Shiloh*, published by The State Historical Society of Iowa.

²²¹ *Congressional Globe*, 2nd Session, 37th Congress, pp. 1357-1359.

²²² *Congressional Globe*, 2nd Session, 37th Congress, p. 320.

²²³ *Congressional Globe*, 2nd Session, 37th Congress, p. 142. See also pp. 160, 176, 178, 199.

²²⁴ *Congressional Globe*, 2nd Session, 37th Congress, p. 375.

²²⁵ *Congressional Globe*, 2nd Session, 37th Congress, pp. 1913, 1979, 2160.

CHAPTER XVIII

²²⁶ *Autobiographical Manuscript and Papers*.

²²⁷ *Autobiographical Manuscript and Papers*. An account of Miller's appointment may also be found in Gregory's *Samuel Freeman Miller*, pp. 10-14. In a letter here printed, which Justice Miller wrote in 1888 to Mrs. James W. Grimes, he stated that it was Senator Grimes who drew up and circulated the paper of recommendation in the Senate.

²²⁸ *Congressional Globe*, 3rd Session, 37th Congress, pp. 142, 173.

²²⁹ *Congressional Globe*, 3rd Session, 37th Congress, pp. 420-422, 425.

²³⁰ *Congressional Globe*, 3rd Session, 37th Congress, pp. 469-472, 474-476.

²³¹ For instance see *Congressional Globe*, 3rd Session, 37th Congress, pp. 506, 507, 528, 1285-1287, 1360.

²³² *Congressional Globe*, 3rd Session, 37th Congress, p. 536.

²³³ *Congressional Globe*, 3rd Session, 37th Congress, pp. 958-960, 1046, 1047, 1241-1244, 1246.

²³⁴ Letter from L. L. Daniels to Harlan, dated January 5, 1863.— *Autobiographical Manuscript and Papers*.

²³⁵ Letter from Samuel Storrs Howe to Harlan, dated July 22, 1862.— *Autobiographical Manuscript and Papers*.

²³⁶ Letter from Harlan to Hawkins Taylor, dated December 24, 1862.— *Autobiographical Manuscript and Papers*.

²³⁷ *Congressional Globe*, 1st Session, 38th Congress, pp. 241–245, 257.

²³⁸ For remarks on the land grant for Iowa railroads see *Congressional Globe*, 1st Session, 38th Congress, pp. 2325, 2326. The index will furnish references to the various other land grant bills which Harlan helped to shape.

²³⁹ Letter from William B. Allison to Alonzo B. F. Hildreth, dated May 5, 1864.— Aldrich's *The Life and Times of Alonzo B. F. Hildreth*, p. 380.

²⁴⁰ *Congressional Globe*, 1st Session, 38th Congress, pp. 1437–1440.

²⁴¹ *Congressional Globe*, 1st Session, 38th Congress, p. 2240.

²⁴² *Congressional Globe*, 1st Session, 38th Congress, pp. 2355–2419, passim.

²⁴³ For instance, see letters from Samuel R. Curtis and N. P. Chipman to Harlan, dated May 3, 1864.— *Autobiographical Manuscript and Papers*.

²⁴⁴ Letter from Harlan to Clarke, found in the *William Penn Clarke Correspondence* in the Historical Department at Des Moines.

²⁴⁵ The author is indebted for information on this point to Mr. Robert T. Lincoln, who is a son-in-law of Senator Harlan.

²⁴⁶ *Congressional Globe*, 2nd Session, 38th Congress, pp. 91–93.

²⁴⁷ *Congressional Globe*, 2nd Session, 38th Congress, pp. 365, 469–472.

²⁴⁸ *Congressional Globe*, 2nd Session, 38th Congress, p. 640.

²⁴⁹ *Congressional Globe*, 2nd Session, 38th Congress, pp. 250, 251, 254-256.

²⁵⁰ *Congressional Globe*, 2nd Session, 38th Congress, pp. 1231-1235, 1300-1302, 1303-1309.

²⁵¹ Letter from Harlan to L. D. Ingersoll, dated March 13, 1865.— *Autobiographical Manuscript and Papers*.

CHAPTER XIX

²⁵² See the *New York Herald*, Friday, March 10, 1865.

²⁵³ Letter from Harlan to James Wright, dated January 4, 1865.— *Autobiographical Manuscript and Papers*.

²⁵⁴ Newspaper clippings in the *Autobiographical Manuscript and Papers*.

²⁵⁵ Letter from J. Teesdale to Harlan, dated February 2, 1865.— *Autobiographical Manuscript and Papers*.

²⁵⁶ Letter from J. H. Powers to Harlan, dated February 21, 1865.— *Autobiographical Manuscript and Papers*.

²⁵⁷ Reply of Harlan to Powers, dated March 2, 1865.— *Autobiographical Manuscript and Papers*.

²⁵⁸ See letters and newspaper clippings for the month of March, 1865, in the *Autobiographical Manuscript and Papers*.

²⁵⁹ Letter from Harlan to James F. Wilson, dated March 24, 1865.— *Autobiographical Manuscript and Papers*.

²⁶⁰ Newspaper clipping in the *Autobiographical Manuscript and Papers*.

²⁶¹ Copy of the minutes of the meeting in the *Autobiographical Manuscript and Papers*.

²⁶² Letter from Samuel R. Curtis to Harlan, dated April 15, 1865.— *Autobiographical Manuscript and Papers*.

²⁶³ After the death of President Lincoln, Harlan waived his right to a seat in the Cabinet, but Andrew Johnson promptly confirmed the appointment.

²⁶⁴ *The New York Herald*, Tuesday, May 16, 1865.

²⁶⁵ This letter was dated August 26, 1865.—Newspaper clipping in the *Autobiographical Manuscript and Papers*.

²⁶⁶ *Burlington Weekly Hawk-Eye*, Saturday, October 7, 1865.

²⁶⁷ *Report of the Secretary of the Interior*, 1865, pp. i-xxvii.

²⁶⁸ Newspaper clippings found in a scrap-book in the *Autobiographical Manuscript and Papers*.

²⁶⁹ *The New York Tribune*, Thursday, January 25, 1866.

²⁷⁰ See the Washington correspondence in *The New York Herald*, Thursday, June 7, 1865, for a statement of the difficulties confronting Secretary Harlan when he assumed the duties of the Cabinet position, because of the actions of his predecessor. For documents in connection with the Pacific Railroad investigation see the *Report of the Secretary of the Interior*, 1865, pp. 960-965.

²⁷¹ *The New York Herald*, Wednesday, July 14, 1865.

²⁷² Binns's *Life of Walt Whitman*, p. 213.

²⁷³ For instance: "Whitman made formal application, and was, in February, assigned a position in the Indian Bureau . . . where he had a few hours of work each day, good pay, and could still continue his hospital visits in his leisure hours."—Carpenter's *Walt Whitman* in *English Men of Letters*, pp. 106, 107. Perry in his *Walt Whitman*, p. 181, says: "He was now a third-class clerk, drawing \$1,600 a year."

²⁷⁴ Whitman's letter of dismissal reads as follows: "The services of Walter Whitman, of New York, as a clerk in the Indian Office, will be dispensed with from and after this date."—Binns's *Life of Walt Whitman*, p. 213.

²⁷⁵ O'Connor embodied his charge in a pamphlet entitled "*The Good Gray Poet*".—See Bucke's *Walt Whitman*. The charges are made more explicit in an introductory letter by O'Connor, found in this biography of Whitman.

²⁷⁶ Whitman was subsequently given a place in the Attorney-General's office.—See Perry's *Walt Whitman*, p. 165.

During the years which followed the Whitman incident, James Harlan remained silent under the censure heaped upon him by the champions of Whitman. But, long years afterward, while he was living in retirement in Mt. Pleasant, a courteous letter came from DeWitt Miller of Philadelphia, asking him to give the facts relating to the alleged act of injustice which every fresh biographer of Whitman assumed to be founded on fact. Breaking the silence of twenty-nine years, Harlan responded to the stranger's request, in a letter of which the following is a copy, and which is here printed for the first time:

“Mt. Pleasant, Iowa.

July 18th, 1894.

“MR. DEWITT MILLER,

Union League,

Philadelphia, Penn.

“Dear Sir: I am in receipt of your letter of 14th inst. requesting me to give you the reasons for the removal of the late Mr. Walt Whitman, in 1865, from a Clerkship in the office of the Commissioner of Indian Affairs, of the Department of the Interior.

“You must pardon me for suggesting that it has been usual for the Heads of Departments of the National Government to assign to the public—not to individuals for public use—their reasons for such official action. And that if they should so far forget the proprieties as to do so, such thoughtlessness would in many cases injure the reputation of the persons thus dropped from the public service, without being beneficial to any one. But in this case—impelled by a desire to gratify your wishes, I think I may so far depart from a commendable usage as to say generally that when I entered the Department of the Interior as its Chief, I found on its pay rolls a considerable number of useless incumbents who were seldom at their respective desks. Some of them were simply supernumerary, and some of them were worthless.

“Deeming it to be my duty to administer the business of the Department economically as well as efficiently, I endeavored, with the aid of the Heads of Bureaus to weed out the needless and worthless material.

“Under this order Mr. Walt Whitman, and a considerable number of others were, from time to time, removed, as the same were reported to me by their respective chiefs, for my action in the premises.

“It would not be possible for me now, after the lapse of about twenty-nine years, to recall in detail the reasons reported to me by their respective heads of Bureaus, for their discontinuance in the public service, even if it were desirable and proper to recite them, after many of them like Whitman have passed over to the other side. It is, therefore, deemed needful only to say in relation to his removal, that his Chief — Hon. Wm. P. Dole, Commissioner of Indian Affairs, who was officially answerable to me for the work in his Bureau, recommended it, *on the ground that his services were not needed*. And no other reason was ever assigned by my authority.

“You are kind enough to tell me that the reasons given for his dismissal by his friends, are favorable to him and unfavorable to me.

“I need only say on that point, that, according to my recollection, the same could be said truthfully of every one so removed by me during my incumbency of the office of Secretary. The least worthy usually raised the greatest clamor; making it clear to my mind that any one who would be seriously disturbed by such querulousness ought not to accept the position of Head of a Department, where he must necessarily perform such unpleasant duties.

With great respect,

Your obedient Servant,

(Signed) JAS. HARLAN.”

The author is indebted to Mr. Leon H. Vincent for information concerning this letter and for Mr. Miller’s address, and to Mr. DeWitt Miller for permission to use the letter itself.

²⁷⁷ Welles’s *A Diary of the Reconstruction Period in The Atlantic Monthly*, 1910.

²⁷⁸ See Rhodes’s *History of the United States*, Vol. V, pp. 516–611; and Dunning’s *Reconstruction: Political and Economic* (American Nation Series), pp. 35–84.

²⁷⁹ Welles's *A Diary of the Reconstruction Period in The Atlantic Monthly*, February, 1910, pp. 170, 173-175.

²⁸⁰ Dunning's *Reconstruction: Political and Economic*, p. 73.

²⁸¹ *The Iowa State Register*, Vol. V, No. 168, August 1, 1866.

²⁸² For an interesting comment, see *The Iowa State Register*, Vol. V, No. 168, August 1, 1866.

CHAPTER XX

²⁸³ Letter from William M. Stone to Kirkwood, dated March 30, 1865.—*Correspondence of Samuel J. Kirkwood*, Historical Department, Des Moines. In a letter of June 2nd Stone practically confirmed this promise, although he stated that he would defer action until after the meeting of the Republican State Convention.

²⁸⁴ Letter from James Harlan to Kirkwood, dated July 18, 1865.—*Correspondence of Samuel J. Kirkwood*, Historical Department, Des Moines.

²⁸⁵ Letter from Jacob Rich to Kirkwood, dated December 14, 1865.—*Correspondence of Samuel J. Kirkwood*, Historical Department, Des Moines.

²⁸⁶ See letters from James W. Grimes to Kirkwood, dated January 2 and 7, 1866; and also a letter from Jacob Rich to Kirkwood, dated December 29, 1865.—*Correspondence of Samuel J. Kirkwood*, Historical Department, Des Moines.

²⁸⁷ See quotation from the *Muscatine Daily Journal* in the *Burlington Weekly Hawk-Eye*, Saturday, November 25, 1865.

²⁸⁸ Quotation from the *Davenport Gazette* in the *Burlington Weekly Hawk-Eye*, Saturday, November 25, 1865.

²⁸⁹ *Burlington Weekly Hawk-Eye*, Saturday, November 25, 1865.

²⁹⁰ *Iowa City Republican*, Vol. XVII, No. 894, January 10, 1866.

²⁹¹ *Muscatine Daily Journal*, Vol. XI, No. 125, January 3, 1866.

²⁹² *The Weekly Gate City* (Keokuk), Vol. XX, No. 21, January 9, 1866.

²⁹³ *Burlington Weekly Hawk-Eye*, Saturday, January 20, 1866.

²⁹⁴ See the *Burlington Weekly Hawk-Eye*, Saturday, January 20, 1866; and a letter from H. A. Wiltse to Kirkwood dated January 13, 1866.—*Correspondence of Samuel J. Kirkwood*, Historical Department, Des Moines.

²⁹⁵ *Iowa City Republican*, Vol. XVII, No. 895, January 17, 1866.

²⁹⁶ *Journal of the House of Representatives*, 1866, pp. 64–66.

²⁹⁷ *Daily Iowa State Register*, Vol. IV, No. 302, January 12, 1866.

²⁹⁸ *Iowa City Republican*, Vol. XVII, No. 895, January 17, 1866.

²⁹⁹ Elijah Sells, who had been appointed Indian Agent by Harlan, was practically the manager of the Harlan forces during this contest.

³⁰⁰ See letters of James W. Grimes to Kirkwood, dated January 2 and 7, 1866.—*Correspondence of Samuel J. Kirkwood*, Historical Department, Des Moines.

³⁰¹ Mr. Charles Aldrich, the late Curator of the Historical Department of Iowa, once related to the writer his recollections of this senatorial contest. He stated that the break in the friendly feelings of Kirkwood toward Harlan was occasioned not alone by the former's disappointment in this election, but also because Elijah Sells, Harlan's most active supporter, had earlier incurred the War Governor's ill-will.

CHAPTER XXI

³⁰² *Congressional Globe*, 1st Session, 40th Congress, p. 10.

³⁰³ *Congressional Globe*, 1st Session, 40th Congress, pp. 218–220, 223, 247.

³⁰⁴ *Congressional Globe*, 1st Session, 40th Congress, pp. 42–44.

³⁰⁵ *Congressional Globe*, 1st Session, 40th Congress, p. 344.

³⁰⁶ *Congressional Globe*, 2nd Session, 40th Congress, pp. 1072-1078.

³⁰⁷ *Daily State Register*, Vol. VII, No. 82, April 4, 1868.

³⁰⁸ *Supplement to Congressional Globe*, 2nd Session, 40th Congress, pp. 435-438.

³⁰⁹ *Daily State Register*, Vol. VII, No. 126, May 26, 1868.

³¹⁰ Quoted from the *Chicago Journal* in the *Daily State Register*, Vol. VII, No. 131, May 31, 1868.

CHAPTER XXII

³¹¹ *Daily State Register*, Vol. VII, No. 193, August 13, 1868.

³¹² Quoted from *The Statesman* in the *Daily State Register*, Vol. VII, No. 215, September 8, 1868.

³¹³ *Daily State Register*, Vol. VII, No. 215, September 8, 1868.

³¹⁴ *The New York Herald*, September 25, 1868.

³¹⁵ Copy of the Boynton article in the *Congressional Globe*, 3rd Session, 40th Congress, p. 408.

³¹⁶ *Congressional Globe*, 3rd Session, 40th Congress, p. 409.

³¹⁷ *Congressional Globe*, 3rd Session, 40th Congress, pp. 409, 410.

³¹⁸ *Congressional Globe*, 3rd Session, 40th Congress, p. 411.

³¹⁹ Quoted from the *Davenport Gazette* in the *Daily State Register*, Vol. VIII, No. 62, March 12, 1869.

³²⁰ Quoted from the *Davenport Gazette* in the *Daily State Register*, Vol. VIII, No. 62, March 12, 1869.

³²¹ *Congressional Globe*, 1st Session, 41st Congress, pp. 236, 394.

³²² *Weekly Iowa State Register*, Vol. XIV, No. 46, December 29, 1869.

³²³ An outline of the Boynton charges, together with the vigorous defense of Harlan by the correspondent, who signed himself "Francois", may be found in the *Weekly Iowa State Register*, Vol. XIV, No. 46, December 29, 1869.

³²⁴ Letter from Harlan to William B. Allison, dated January 5, 1870, found in the Archives Department, Des Moines.

CHAPTER XXIII

³²⁵ See *Congressional Globe*, 3rd Session, 41st Congress.

³²⁶ *Congressional Globe*, 1st Session, 42nd Congress, pp. 327, 329; Appendix, pp. 62-67.

³²⁷ *Daily Iowa State Register*, Vol. X, No. 73, March 31, 1871.

³²⁸ *Daily Iowa State Register*, Vol. X, No. 77, April 5, 1871. "Roscoe Conkling, Zach Chandler and others waited upon Mr. Harlan on the evening of the 28th to confer with him as to the course the friends of General Grant in the senate should pursue. He promptly told them what to do. Then they chose him to answer Sumner and Schurz and close the debate for the Grant side. . . . If he spoke it must be at the next morning's session. Like Webster in his reply to Hayne, he had but a single night to sleep upon his speech."—From a sketch of the life of James Harlan by Samuel M. Clark in *The Midland Monthly*, Vol. I, No. 3, p. 241.

³²⁹ Quoted from the *New York Times* in the *Daily Iowa State Register*, Vol. X, No. 78, April 6, 1871.

³³⁰ See quotations from the *Washington Chronicle* in the *Daily Iowa State Register*, Vol. X, No. 77, April 5, 1871.

³³¹ Sketch of the life of James Harlan by Samuel M. Clark in *The Midland Monthly*, Vol. I, No. 3, p. 242.

CHAPTER XXIV

³³² See letter from Harlan to Allison, above pp. 250, 251.

³³³ For a discussion of this contest see Clark's *History of Senatorial Elections in Iowa*, Ch. X.

³³⁴ For a copy of this letter see the *Burlington Weekly Hawk-Eye*, July 6, 1871; and especially the *Dubuque Herald*, June 22, 1871.

³³⁵ *Burlington Weekly Hawk-Eye*, July 6, 1871.

³³⁶ *Burlington Weekly Hawk-Eye*, July 6, 1871.

³³⁷ For the attitude of newspapers in various parts of the State toward the Harlan boom see quotations from other papers in the *Daily Iowa State Register*, Vol. X, Nos. 202, 204, 208, and 212, September 1, 5, 8, and 13, 1871.

³³⁸ "Mr. Harlan, of course, will do all he can to gain re-election, all he may honorably," declared an influential Allison editor, "but farther and lower than this, no one believes he will go. . . . So, as far as the men themselves are concerned, the struggle is not bitter and fierce, but fair and manly, and on this line we are confident they will fight it to the end." — *Daily Iowa State Register*, Vol. X, No. 187, August 15, 1871.

³³⁹ For a summary of these charges see the *Daily Iowa State Register*, Vol. X, No. 307, January 6, 1872.

³⁴⁰ *Daily Iowa State Register*, Vol. X, No. 305, January 4, 1872. The statement of this charge varies in different newspapers, a fact which in itself indicates its unsound basis.

³⁴¹ *Burlington Weekly Hawk-Eye*, December 28, 1871.

³⁴² *Burlington Weekly Hawk-Eye*, January 4, 1872. Harlan made a final reply to this attack just before the meeting of the legislative caucus.— *Burlington Weekly Hawk-Eye*, January 11, 1872.

³⁴³ *Daily Iowa State Register*, Vol. X, No. 298, December 27, 1871.

³⁴⁴ Harlan's reply may be found in the *Burlington Weekly Hawk-Eye*, January 11, 1872. Grinnell's defense was printed in the *Daily Iowa State Register*, Vol. X, No. 300, December 29, 1871.

³⁴⁵ *Daily Iowa State Register*, Vol. X, No. 307, January 7, 1872.

³⁴⁶ *Burlington Weekly Hawk-Eye*, January 11, 1872.

³⁴⁷ The vote on the final ballot was as follows: William B. Allison, 63; James Harlan, 40; James F. Wilson, 17.— *Daily Iowa State Register*, Vol. X, No. 310, January 11, 1872.

³⁴⁸ *Journal of the House of Representatives*, 1872, pp. 95, 96.

³⁴⁹ *Burlington Weekly Hawk-Eye*, January 18, 1872.

³⁵⁰ The author is indebted to Hon. Washington I. Babb for the story of this midnight conversation.

“I have not given the Senator’s exact words,” he writes, “but I have given the substance and in the main, the form of words he used.”

CHAPTER XXV

³⁵¹ For a general discussion of the Credit Mobilier investigation see Rhodes’s *History of the United States*, Vol. VII, Ch. XL.

³⁵² For Durant’s testimony before the Poland and Wilson committees see *House Reports*, 3rd Session, 42nd Congress, Report No. 77, p. 178; Report No. 78, pp. 93–109, passim. For Crane’s testimony see *Senate Reports*, 3rd Session, 42nd Congress, Report No. 519, pp. 99–109, passim.

³⁵³ *House Reports*, 3rd Session, 42nd Congress, Report No. 77, p. 178.

³⁵⁴ *House Reports*, 3rd Session, 42nd Congress, Report No. 78, p. 102. “I had some county bonds which I had had for some ten or fifteen years,” said Mr. Durant in further explaining his interest in Iowa politics, “and they were repudiating them; and there were a variety of other matters there on which some of the candidates for the legislature had been opposing us. We had even gone so far as to carry the matter into the United States courts, and had the commissioners arrested for not levying taxes to pay those bonds.”

³⁵⁵ *Senate Reports*, 3rd Session, 42nd Congress, Report No. 519, pp. 2–14.

³⁵⁶ *Senate Reports*, 3rd Session, 42nd Congress, Report No. 519, pp. v, vi.

³⁵⁷ See the sworn statement of Elijah Sells, who managed Harlan's campaign in 1865, in the *Burlington Weekly Hawk-Eye*, February 13, 1873.

³⁵⁸ *The Iowa Daily State Register*, Vol. XII, No. 15, January 18, 1873.

³⁵⁹ See the *Burlington Weekly Hawk-Eye*, January 30 to March 6, 1873.

³⁶⁰ *Burlington Weekly Hawk-Eye*, March 6, 1873.

CHAPTER XXVI

³⁶¹ See the *Burlington Weekly Hawk-Eye* for the last four months of 1875, and for January, 1876. For a discussion of this senatorial contest see Clark's *History of Senatorial Elections in Iowa*, Ch. XI.

³⁶² *The Iowa Daily State Register*, Vol. XV, No. 26, January 8, 1876.

³⁶³ *The Iowa Daily State Register*, Vol. XV, No. 30, January 13, 1876.

³⁶⁴ *The Iowa Daily State Register*, Vol. XV, No. 32, January 15, 1876.

³⁶⁵ *Burlington Weekly Hawk-Eye*, January 27, 1876.

³⁶⁶ *The Iowa Daily State Register*, Vol. XV, No. 31, January 14, 1876.

³⁶⁷ The author is indebted to Mr. Washington I. Babb for these facts.

³⁶⁸ *Burlington Daily Hawk-Eye*, August 14, 1881.

³⁶⁹ *Iowa State Register*, Vol. XX, No. 235, September 30, 1881.

³⁷⁰ *Burlington Daily Gazette*, September 28, 1881.

³⁷¹ See Clark's *History of Liquor Legislation in Iowa* in *The*

Iowa Journal of History and Politics, Vol. VI, No. 4, for a discussion of the prohibitory amendment campaign.

³⁷² Copy of the address found in the *Autobiographical Manuscript and Papers*.

³⁷³ For a description of the work of this Court and for the loan of a number of volumes of records and reports the author is indebted to Dr. Andrew S. Draper, late Commissioner of Education of the State of New York, who was a member of the Court. See *Senate Reports*, 1st Session, 49th Congress, Report No. 567; *Rules of the Court of Commissioners of Alabama Claims*; *List of Claims Before the Court of Commissioners of Alabama Claims*; and *Alphabetical Index to Claimants before the Court of Commissioners of Alabama Claims*.

³⁷⁴ *Congressional Record*, 1st Session, 47th Congress, House Bill No. 4197; and *United States Statutes at Large*, Vol. XXII, p. 98.

³⁷⁵ *House Reports*, 1st Session, 49th Congress, Report No. 945.

³⁷⁶ Statement made by Dr. Draper in a personal letter to the author.

³⁷⁷ From a sketch of the life of Mrs. Harlan written by her husband, found in the *Autobiographical Manuscript and Papers*.

³⁷⁸ Ingersoll's *Iowa and the Rebellion*, p. 739. For a more detailed account see a sketch of the life of Mrs. Harlan written by her husband, as well as a large number of newspaper clippings, found in the *Autobiographical Manuscript and Papers*; also a sketch of Mrs. Harlan's services at the front, in the *Annals of Iowa* (Third Series), Vol. II, pp. 489-508.

CHAPTER XXVII

³⁷⁹ See Clark's *History of Liquor Legislation in Iowa* in *The Iowa Journal of History and Politics*, Vol. VI, No. 4, pp. 529-594.

³⁸⁰ *Speech of James Harlan as Temporary Chairman of the Republican State Convention, August 16, 1893*, reprinted in pamphlet form from *The Daily State Register*, August 17, 1893.

³⁸¹ *The Daily State Register*, August 17, 1893.

³⁸² *Iowa Official Register*, 1894, p. 100.

CHAPTER XXVIII

³⁸³ The original members of the Commission were Governor Horace Boies, James Harlan, Samuel J. Kirkwood, George G. Wright, Edward Johnstone, and D. N. Richardson.—*Laws of Iowa*, 1888, p. 172.

³⁸⁴ *Third Biennial Report of the Iowa Soldiers and Sailors Monument Commission*, pp. 8–17.

³⁸⁵ *The Midland Monthly*, Vol. V, No. 2, pp. 99–113.

³⁸⁶ See *The Burlington Hawk-Eye* (Weekly), July 4, 1895, for editorials and quotations from other newspapers.

³⁸⁷ *The Iowa State Register* (Weekly), July 12, 1895.

³⁸⁸ *The Iowa State Register* (Weekly), July 19, 1895.

³⁸⁹ Proceedings of the Convention in *The Iowa State Register* (Weekly), August 20, 1897.

³⁹⁰ *Annals of Iowa* (Third Series), Vol. IV, pp. 87–90.

³⁹¹ The author is indebted for information, concerning this visit, to Mrs. Alice L. Taylor of Mt. Pleasant, an intimate acquaintance of the Harlan family.

³⁹² Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, pp. 454–456.

³⁹³ For an extended account of the funeral see the *Daily Iowa State Capital*, Vol. XVI, No. 244, October 9, 1899.

³⁹⁴ *Laws of Iowa*, 1907, p. 228. Samuel J. Kirkwood is the other Iowan whose memory is thus honored.

CHAPTER XXIX

³⁹⁵ Manuscript copy of address in the *Autobiographical Manuscript and Papers*. Ten years later, in 1895, Mr. Harlan again addressed the old settlers at Mt. Pleasant, and he responded to similar calls at various points in southeastern Iowa from time to time.

³⁹⁶ Manuscript copy of address in the *Autobiographical Manuscript and Papers*.

³⁹⁷ For instance, see addresses at the reunion of the Fourteenth Iowa Infantry at Mt. Pleasant on October 21, 1897, and before the Loyal Legion at Des Moines on February 12, 1899.— *Autobiographical Manuscript and Papers*.

³⁹⁸ Manuscript copy of address in the *Autobiographical Manuscript and Papers*.

³⁹⁹ Harlan's address at De Pauw University in 1892 was on the subject, *Aims and Advantages of Scholastic Instruction*. At Iowa Wesleyan University in 1895 he spoke on the *Utility of College Training*. See also an undated address before an "Educational Convention".— *Autobiographical Manuscript and Papers*.

⁴⁰⁰ Manuscript copy of address in the *Autobiographical Manuscript and Papers*.

⁴⁰¹ This speech bears the title, *Speech on the Financial Questions*. It is dated 1878, but the place or places of delivery are not indicated.— *Autobiographical Manuscript and Papers*.

⁴⁰² Manuscript copy of speech in the *Autobiographical Manuscript and Papers*. This speech was delivered at Burlington some time during the late summer or early fall, and probably at other points in southeastern Iowa.

⁴⁰³ Manuscript copy of speech in the *Autobiographical Manuscript and Papers*. See also a speech at Council Bluffs on September 12, 1896.

⁴⁰⁴ Manuscript copy of address in the *Autobiographical Manuscript and Papers*.

CHAPTER XXX

⁴⁰⁵ See above pp. 323, 324.

⁴⁰⁶ Article on James Harlan by Frank Hatton.— Clipping in the *Autobiographical Manuscript and Papers*.

⁴⁰⁷ See above pp. 95-100.

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